

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MOHAMMAD SAAILI SHIBIN, )  
a/k/a "Khalif Ahmed Shibin," )  
a/k/a "Mohammad Ali," )  
a/k/a "Ali Jama," )  
 )  
Defendant. )

CRIMINAL CASE NO.  
2:11cr33

TRANSCRIPT OF PROCEEDINGS  
(Testimony of Chief Engineer Oleg Dereglazov)

Norfolk, Virginia  
April 18 and 19, 2012

BEFORE: THE HONORABLE ROBERT G. DOUMAR,  
United States District Judge, and a jury

APPEARANCES:

UNITED STATES ATTORNEY'S OFFICE  
By: Joseph E. DePadilla, Esquire  
Benjamin L. Hatch, Esquire  
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ZOBY & BROCCOLETTI, P.C.  
By: James O. Broccoletti, Esquire  
Counsel for the Defendant

## I N D E X

ON BEHALF OF THE GOVERNMENT:	Direct	Cross	Red.	Rec.
O. Dereglazov	3	85	101	104

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3 THE COURT: Would you like to start your case,  
4 Mr. DePadilla?

5 MR. DEPADILLA: Yes, sir, Your Honor.

6 At this time the government calls Oleg Dereglazov.  
7 We also have an interpreter here for Mr. Dereglazov.

8 THE COURT: Would you please swear the interpreter.

9 (The interpreter was affirmed by the clerk.)

10 OLEG DEREGLAZOV, called as a witness, having been  
11 first duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MR. DEPADILLA:

14 Q. Sir, please state your name for the record.

15 A. Dereglazov, Oleg.

16 Q. How old are you, sir?

17 A. 45.

18 Q. And what country were you born in?

19 A. Ukraine.

20 Q. What is your first language?

21 A. Russian.

22 Q. Do you also speak a little English as well?

23 A. Yes.

24 Q. Do you have a family, sir?

25 A. Yes.

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1 Q. Tell us about your immediate family.

2 A. I have a wife and a daughter 24 years old.

3 Q. What kind of education do you have, sir?

4 A. I graduated the Marine Academy.

5 Q. And what is your profession now?

6 A. The chief engineer.

7 Q. And is the common nickname on the ship "Chief"?

8 A. "Chief."

9 Q. How long have you been a chief engineer?

10 A. Fifteen years.

11 Q. And approximately how many ships have you served on?

12 A. The total?

13 Q. In total.

14 A. About 50 to 60.

15 Q. Where have you sailed in the world?

16 A. All over the world, all countries.

17 Q. And what types of cargo have you moved?

18 A. Different cargo, starting with oil, going to cars, so  
19 forth.

20 Q. And can you tell the jury what is the chief engineer's  
21 job? What do you do?

22 A. The chief mechanic on the ship is responsible for the  
23 technical conditions of the ship, overall technical  
24 conditions.

25 MR. BROCCOLETTI: Judge, could the interpreter speak

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1 towards us? I'm having a difficult time hearing him.

2 THE COURT: If you could, speak louder, sir.

3 THE INTERPRETER: Yes, sir.

4 THE WITNESS: He also is responsible for the work or  
5 the job of a machinist, the crew that handles all the  
6 machines and all the -- for the security of cargo.

7 BY MR. DEPADILLA:

8 Q. And does the chief engineer have other crew members that  
9 work for him?

10 A. Yes.

11 Q. And when he was -- did you ever serve on the Marida  
12 Marguerite?

13 A. Yes.

14 Q. How many people did you have working with you -- working  
15 for you on the ship?

16 A. Just in the machine area?

17 Q. Just in engineering, yes.

18 A. Nine, nine crew members.

19 Q. And in the hierarchy of command on the ship where does  
20 chief engineer fit in?

21 A. This is the second position after the captain.

22 Q. And, so, then you follow the orders of the captain?

23 A. Directly the captain have given me an order, but I  
24 oversee the engineering department.

25 Q. And then all the other positions are below you and the

O. Dereglazov - Direct

1 captain?

2 A. Yes.

3 Q. When you boarded the Marida Marguerite did you know any  
4 of your crew members at that time?

5 A. No.

6 MR. DEPADILLA: Madam Clerk, can we unpublish,  
7 please? Unpublish. Thank you.

8 BY MR. DEPADILLA:

9 Q. I'd like to show you what's been previously marked as  
10 Government's Exhibit 1-1 A.

11 Do you recognize that photo, sir?

12 A. Yes. This is the members of my crew.

13 Q. Okay. And when, approximately, was it taken?

14 A. This photograph was taken after we were released, as soon  
15 as we came to Oman.

16 Q. And does that fairly and accurately represent most of how  
17 the crew looked then, at that time?

18 A. Yes, absolutely.

19 MR. DEPADILLA: We would offer 1-1 A, Your Honor,  
20 and ask to publish.

21 THE COURT: 1-1 A is received in evidence.

22 (The exhibit was admitted into evidence.)

23 THE COURT: You may publish it.

24 BY MR. DEPADILLA:

25 Q. Sir, I want to talk about some of the people that are in

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1 this picture. Who is the man in the green shirt?

2 A. This is my third engineer, Mr. Chirag Bahri.

3 Q. And what were his duties on the ship?

4 A. He was responsible for a proper maintenance aboard -- of  
5 the part of the ship.

6 Q. And can you give the jury an idea how complex are these  
7 systems that you're keeping track of on the boat?

8 A. A ship is like a mini plant that has to provide the  
9 electricity and the water for itself. It's also not just a  
10 place on water; it's our living, our shelter, our residence.  
11 If we could not have that --

12 THE COURT: Have you got a microphone, a movable  
13 microphone? I don't know if we have -- do we?

14 THE CLERK: Just...

15 (There was a pause in the proceedings.)

16 THE COURT: I haven't tried a case in this courtroom  
17 in over 15 years, ladies and gentlemen, so I'm not familiar  
18 with any of the new gadgets here.

19 A JUROR: Your Honor, may I try? I have a sound  
20 system.

21 THE COURT: Mr. Hatch has a microphone that we could  
22 possibly use. There's not enough room on that one?

23 Ms. Baxter, call IT and see if we can get them up  
24 here right now.

25 THE CLERK: Yes, sir.

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1 THE COURT: Ladies and gentlemen, it's worth getting  
2 it straight right now, because later on we'll have different  
3 interpreters. And what happens is I don't want anybody to be  
4 missing part of whatever it is, because it's extremely  
5 important.

6 (There was a pause in the proceedings.)

7 THE COURT: Okay. All right, Mr. DePadilla, let's  
8 go.

9 MR. DEPADILLA: Yes, Your Honor.

10 BY MR. DEPADILLA:

11 Q. And who is this man in the black shirt in the front?

12 THE WITNESS: This is machinist or motorist Sandeep  
13 Dengwhal.

14 BY MR. DEPADILLA:

15 Q. Did he work with you also?

16 A. Yes.

17 Q. And who is this man in the black over on the left side of  
18 the picture?

19 A. This is the junior engineer.

20 THE COURT: Could you get the interpreter to speak  
21 into the microphone, if you would? Okay.

22 THE WITNESS: His name is Robin, and I don't  
23 remember his last name.

24 BY MR. DEPADILLA:

25 Q. Was he your trainee on the ship?



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1 A. Yes.

2 Q. And who is this man with the striped shirt?

3 A. This is the second mate, Mr. Pandey.

4 Q. And who was the captain for the voyage?

5 A. The captain is Mr. Makane.

6 Q. Where did you board the Marida Marguerite for the first  
7 time?

8 A. I arrived from April 8th to Vietnam.

9 Q. And what type of cargo was on the Marida Marguerite?

10 A. It was chemical, acid.

11 Q. Okay. Where were you headed?

12 A. We were going to unload this cargo in Thailand, and then  
13 we were going to go to India to get a new cargo.

14 Q. Okay. And what was the new cargo you picked up in India?

15 A. In India we loaded with -- we were loaded with benzene  
16 and castor oil.

17 Q. And where was the Marida Marguerite going next?

18 A. The ship was intended to go to Rotterdam in Antwerp to  
19 unload that cargo.

20 Q. And to get from India to Rotterdam what stretch of water  
21 did you have to cross?

22 A. We had to cross the Indian Ocean, go through the Gulf of  
23 Aden, then get to the Mediterranean Sea, then cross  
24 Gibraltar, and then go to the -- around Europe.

25 Q. And, based on your experience, was this a concern going

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1 through that shipping corridor?

2 A. Of course. We had to pass the Gulf of Aden, and this is  
3 a very dangerous voyage.

4 Q. And what are the dangers in the Gulf of Aden?

5 A. There was a high activity of pirates.

6 Q. Did your ship take precautions?

7 A. Yes, of course. According to all the instructions, the  
8 ship was prepared for passage through the Gulf of Aden.

9 Q. And can you tell the jury what were some of those  
10 precautions you took?

11 A. First, the outside of the ship was completely isolated.  
12 All the ladders, all the -- all the ladders were removed.  
13 The perimeter of the ship was wrapped in razor wire, barbed  
14 wire. We increased the number of crew on the night shift,  
15 and we implemented all the firefighting systems. In the case  
16 of a pirates assault it would be able to wash them off with  
17 water.

18 Q. Chief, did any of those precautions work?

19 A. No.

20 Q. And what happened before you got to Rotterdam?

21 A. On May 8th the Somali pirates were attacked -- they  
22 attacked our ship, and they -- they captured the ship.

23 Q. Let's talk about the people who captured your ship.

24 When did you first notice the people that would  
25 capture your ship?

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1 A. The capture happened at 3:00 p.m. I noticed them about  
2 two hours before that, about 1:00 p.m.

3 Q. And where were you located on the Marida Marguerite at  
4 1:00 p.m.?

5 A. At 1:00 I was on the bridge, because the crew -- we went  
6 into the activity, and we saw on the radar the approaching  
7 boat.

8 Q. And when you saw the boat on radar approximately how far  
9 away was it from your ship?

10 A. Approximately two to three miles.

11 Q. How fast were they going?

12 A. They were approaching at the speed of about 20 knots.

13 Q. And how fast could the Marida Marguerite go at that time?

14 A. Our speed at that time was about 12, 13 knots.

15 Q. And what part of the ocean were you in when this ship  
16 started to close on you?

17 A. We were approaching the Bay of Oman, closer to Yemen than  
18 to Oman.

19 Q. Were there any other ships in the area?

20 A. Yes, there was a parallel force to us. There was a big  
21 Chinese container ship.

22 Q. Did you eventually gain visual contact of the ship that  
23 would hijack the Marida Marguerite?

24 A. The pirate ship?

25 Q. Yes.

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1 A. I visually observed them about an hour before the  
2 assault.

3 Q. Describe for the jury what could you see in that boat?

4 A. It was -- it was a small, not big, plastic boat with the  
5 attached motor. There were six people on it. I also saw  
6 them being armed with the Kalashnikov assault rifles and the  
7 RPG.

8 Q. And how are you familiar with Kalashnikov assault rifles?

9 A. I studied at the closed academy, and we had a closed  
10 quarters for the Navy.

11 Q. And what is an RPG?

12 A. This is a portable missile system.

13 Q. Did the pirates use the portable missile system?

14 A. Yes.

15 Q. Describe that for the jury.

16 A. When the pirates approached the ship from the aft they  
17 shot at the direction of the ship with that RPG.

18 Q. And where did the RPG rocket travel?

19 A. It went about -- it went above the ship.

20 Q. And after the pirates fired that rocket what did the  
21 captain do?

22 A. Since we understood that that was a signal for us to  
23 stop, we tried to maneuver our ship.

24 Q. Have you ever seen a rocket hit a ship before or hit  
25 anything else before?

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1 A. No. If that missile hit the ship there would be no ship  
2 nor the pirates.

3 Q. How did the pirates get on your boat?

4 A. After the second shot they continued -- the pirates  
5 continued to move in the direction of the ship. They came on  
6 the right side of the ship, in the middle section of the  
7 ship. They thrown over to -- on the ship the portable metal  
8 ladder, and five people very calmly got up on that ladder on  
9 the ship, on board, and the other person was controlling the  
10 operation.

11 Q. And before, sir, you started your answer with, "After the  
12 second shot..."

13 Was that an RPG shot you're talking about?

14 A. Yes.

15 Q. And when the men calmly boarded your boat were they  
16 armed?

17 A. They were all armed with the AK-47s.

18 Q. How long did your precautions slow them down?

19 A. Practically, it did not stop them. They just proceeded  
20 to move towards the superstructure, towards the bridge and --  
21 while shooting in the air from their machine guns.

22 Q. Where are you located when you're seeing these things?

23 A. On the bridge.

24 Q. And where is the rest of your crew?

25 A. According to the instructions, all the crew members had

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1 to be present on the bridge except the two members that had  
2 to be in the machine department.

3 Q. And who was in the machine department?

4 A. At that time the third engineer, Mr. Chirag Bahri, and  
5 the motorist, Sandeep Dengwhal.

6 Q. How did the pirates gain access to the bridge?

7 A. They just got up very calmly. I don't know how, because  
8 all the ladders were removed. Nevertheless, they approached  
9 the door that separated the outside bridge with the inside  
10 and just knocked on the window.

11 Q. Did somebody open the door after the pirates were  
12 knocking?

13 A. Yes, of course, because they were brandishing their  
14 weapon, and nothing else would be done.

15 Q. What was the first thing the pirates asked when they got  
16 on the bridge?

17 A. "Where's the captain?"

18 Q. Did Captain Makane identify himself?

19 A. Yes.

20 Q. And what was the next thing they asked?

21 A. They asked who is the owner of the ship and what's the  
22 nature of the cargo.

23 Q. And what was the answer?

24 A. The answer was that the cargo is benzene and the owner of  
25 the ship is a German company.

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1 Q. And what was the pirates' reaction?

2 A. The reaction was very cheerful. It was apparent that  
3 they liked the news.

4 Q. Did the pirates make any requests at that time?

5 A. Yes, they demanded the ship to be turned around and moved  
6 towards the Somali coast.

7 Q. And who did they demand that of?

8 A. The captain.

9 Q. And what was the captain's response?

10 A. The captain answered that we cannot move towards Somali  
11 coast because we have no navigation maps.

12 Q. And describe what the pirates did next.

13 A. The leader of the pirates approached the captain, took  
14 his eyeglasses off, and suddenly slapped his face.

15 Q. After that did the captain turn the boat for Somalia?

16 A. They had a GPS, and the captain had nothing else to do  
17 but concede to their demands.

18 MR. DEPADILLA: Madam Clerk, can we unpublish,  
19 please?

20 And, Mr. Samuels, could you "Escape"? Thank you.

21 BY MR. DEPADILLA:

22 Q. I'd like to show you what's previously been marked as  
23 Government's Exhibit 1-1 B.

24 Do you recognize that picture, sir?

25 A. Yes.

O. Dereglazov - Direct

1 Q. And what is the picture of?

2 A. This is the navigation bridge of Marida Marguerite.

3 Q. And is that a fair and accurate picture of the bridge?

4 A. Yes, this is the bridge.

5 MR. DEPADILLA: Your Honor, we would offer 1-1 B and  
6 ask to publish.

7 THE COURT: 1 B (sic) is accepted into evidence, and  
8 it may be published, being the bridge of the Marguerite.

9 (The exhibit was admitted into evidence.)

10 BY MR. DEPADILLA:

11 Q. How big is the bridge of the Marguerite?

12 A. It's about 18 to 20 meters long and about 10 meters deep.

13 Q. And where on this picture was the captain when the pirate  
14 leader slapped him?

15 A. He was at this radio unit. The pirates entered through  
16 the right, through the door on the right, and approached him  
17 there.

18 Q. So is this -- where I'm making the red arrow, is that the  
19 door on the right that the pirates entered through?

20 A. Yes.

21 Q. And is this second red arrow approximately where the  
22 captain was standing when he was assaulted by the pirate  
23 leader?

24 A. Yes.

25 Q. Now, during this conflict could you tell where the



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1 Chinese container ship was?

2 A. The Chinese container ship was -- continued to move  
3 parallel to us. They observed the capture, they observed the  
4 assault, and they kept communications with us constantly,  
5 asking, "What is the situation?"

6 Q. And what was the pirates' response to that?

7 A. The pirates ordered the captain to open communication  
8 with the Chinese -- with the container ship and categorically  
9 demand that they turn away and do not pursue them.

10 Q. Were the pirates still armed at this point?

11 A. Yes, they were -- they were armed. They stepped outside  
12 of the bridge, on the wing of the bridge through the left  
13 door, and started shooting their weapon in the air warning  
14 the Chinese to move away.

15 Q. And what did the Chinese ship do?

16 A. The Chinese ship turned away, because they did not want  
17 to endanger themselves and us.

18 Q. Now, where is the rest of your crew at this point when  
19 this is going on?

20 A. All the members of the crew were put on the deck except  
21 the two members that were still in the machine department.

22 Q. And were the two members in the machine department more  
23 free to move around the ship than the others?

24 A. Yes, because all six pirates were on the bridge.

25 Q. And what did you instruct those two men to do while they

O. Dereglazov - Direct

1 were still free to move around?

2 A. I warned them that they have to take precautions about  
3 the personal belongings and electronics and remove it from  
4 the living quarters and hide it in the machine department.

5 Q. And were your men able to hide some of your possessions  
6 for you?

7 A. Yes, they take my laptop from the machine department.

8 Q. Was anyone in your crew able to alert the authorities  
9 before the ship was taken over by the pirates?

10 A. First of all, we gave the SOS signal. And before we  
11 arrived to Somalia some members of the crew were able to  
12 notify their relatives via SMS, the text messaging.

13 Q. And can you tell the jury what type of communication  
14 systems existed on the Marida Marguerite at that time to  
15 contact the outside world?

16 A. We had the radio system that was going to the satellite  
17 telephone and also the text messaging system, SMS system,  
18 that was going to the main server located in the captain's  
19 quarters.

20 Q. Now I want to move to the second day of the hijacking.  
21 Tell the jury what happened on the second day.

22 A. On the second day in the morning the three pirates  
23 started taking the different members of the crew one by one  
24 to their rooms -- to their cabins.

25 Q. And for what purpose did they take the crew members to

O. Dereglazov - Direct

1 their cabins?

2 A. Just to take away their electronics, gold, money, mobile  
3 phones. Just robbery.

4 Q. Were you taken to your cabin, Chief?

5 A. Yes, after captain I was taken to my cabin.

6 Q. And what was taken from you at that time, Chief?

7 A. Mobile phone, money, personal belongs, my jacket, my  
8 shoes.

9 Q. Did your personal belongings include your wedding ring?

10 A. Yes, they took away my wedding ring.

11 Q. How long had you had that wedding ring, Chief?

12 A. Twenty years.

13 Q. During the next few days where did the Marida Marguerite  
14 travel?

15 A. We continued to move for two days toward the Somali  
16 coast.

17 Q. And where did the crew stay while you were traveling to  
18 the Somali coast?

19 A. Everybody was still on the bridge, on the deck, in the  
20 same position and shape as during the assault.

21 Q. So looking -- please look at the screen, 1-1 B. This was  
22 the area the crew was kept for the entire time you traveled  
23 to Somalia?

24 A. Yes.

25 Q. How many people in that area?

O. Dereglazov - Direct

1 A. There were constantly 20 people, because two people had  
2 to be in the machine department to work on the machines.

3 Q. Were you free to move around at all?

4 A. Absolutely not.

5 Q. How did you go to the bathroom?

6 A. Next to the bridge through the door there was a staff  
7 bathroom, and under permission from the pirates we were going  
8 to the restroom.

9 Q. Were you given a pirate escort when you wanted to go to  
10 the bathroom?

11 A. Yes, absolutely. The doors were always open, and before  
12 anyone goes to the restroom that person will be searched.

13 Q. Were your engineers who were tending the machines still  
14 able to move more freely than you?

15 A. Yes, they had an opportunity of free movement.

16 Q. And did that allow them to hide other things on behalf of  
17 the crew?

18 A. Yes. On my advice, I offered to bring from the provision  
19 chamber coffee, cigarettes, tea, sugar, in case our capture  
20 would be prolonged.

21 Q. When was the next time you could see land?

22 A. Three days after the capture, early in the morning, we  
23 saw the Somali coast.

24 Q. Okay. Chief, tell the jury what could you see right off  
25 the Somali coast when you arrived there?

O. Dereglazov - Direct

1 A. We saw a multitude of other captured ships that were  
2 anchored by the Somali coast.

3 Q. Did you count those other hijacked ships, Chief, when you  
4 were looking at them?

5 A. About 16 ships.

6 Q. Was kinds of ships were out there?

7 A. There were both cargo ships. There were liquid -- like  
8 tankers. There were car ships. And there were also fishing  
9 ships.

10 Q. Could you tell what some of the nations were of those  
11 ships?

12 A. There were Greek, Turkish, Malay, Chinese.

13 Q. Now, when you arrived off the coast of Somalia did anyone  
14 else -- well, who got on the boat first?

15 A. On the first day about 70 people, Somalis, were boarding  
16 the ship in groups.

17 Q. And what were they carrying onto your ship, Chief?

18 A. They were bringing additional weapons.

19 Q. Can you describe those weapons for the jury?

20 A. They had about -- on the first day they brought about 40  
21 to 50 assault rifles. They also brought additional RPGs and  
22 the grenades for those RPGs.

23 Q. Did you see any weapons bigger than the hand-held AK-47s?

24 A. Yes, we had two stationary machine guns.

25 Q. Now, Chief, did there come a time after you arrived in

O. Dereglazov - Direct

1 Somalia that you spoke on the phone with someone who could  
2 speak English?

3 A. Yes.

4 Q. And what did that person say to you?

5 A. That person said that he will soon arrive on the ship and  
6 we'll coordinate the interactions with the crew members and  
7 the pirates.

8 Q. And ultimately did you meet the person whose voice you  
9 heard over the phone?

10 A. Yes.

11 Q. And was that about a week after you got to Somalia?

12 A. It was about ten days later.

13 Q. And what was the name that you learned for that person?

14 A. He first introduced himself as Ali.

15 Q. Did you later learn other names for Ali?

16 A. Later I learned that his name is Ali Jama and Shibin.

17 Q. Do you see the man that you know as Ali Jama, Ali and  
18 Shibin in the courtroom today?

19 A. Yes.

20 Q. Please describe what he's wearing for the Court and  
21 identify him.

22 A. He has a dark jacket, white shirt, white undershirt.  
23 He's gray, and he has a small beard.

24 MR. DEPADILLA: Indicating the defendant, Your  
25 Honor?

O. Dereglazov - Direct

1 THE COURT: Would you point him out to us, please.

2 THE WITNESS: (The witness points.)

3 THE COURT: Let the record reflect he's pointing out  
4 the defendant.

5 BY MR. DEPADILLA:

6 Q. I'm going to refer to Ali Jama now as "the defendant."

7 So when you first saw the defendant what did you talk  
8 about?

9 A. He said that he arrived to ensure order and coordinate  
10 communications between the -- our crew -- between our crew  
11 and the Somalis, because most of the Somalis do not speak  
12 English.

13 Q. Did he claim to be part of an affiliation or a group?

14 A. No. At first I did not understand what is it he's going  
15 to do. He just implied that he's going to be a coordinator  
16 or interpreter, translator.

17 Q. Did he ever use the word with you "non-governmental  
18 organization"?

19 A. He said that he is a -- some kind of -- a part of some  
20 kind of an organization, but it was very doubtful.

21 Q. Did you see any evidence of a non-governmental  
22 organization during the time you were on the ship?

23 A. No, there was no information to identify any  
24 organization. There was no shirts or caps with the logos of  
25 any organizations.

—O. Dereglazov - Direct—

1 Q. Now, once the defendant arrived on the ship what happened  
2 to the crew's living conditions?

3 A. After the short conversation with the Somalis the crew  
4 was housed in several cabins, four or five people in a cabin.

5 Q. And who was still on the bridge, Chief?

6 A. On the bridge still remains the captain, I, the chief  
7 mate and the second engineer.

8 Q. Were those the four senior officers on your ship?

9 A. Yeah. It's called the "top four." This is the four most  
10 senior officers on the ship.

11 Q. And did that result in the crew being isolated from the  
12 senior officers?

13 A. Yes. The control over the crew from -- on behalf of the  
14 officers of the -- the executive officers were completely  
15 disconnected.

16 Q. And during the first conversation that you were having  
17 with the defendant did he ever speak about any keys?

18 A. When this person arrived on the ship the situation  
19 changed, because it was apparent that this person knew the  
20 way to --

21 MR. BROCCOLETTI: I'll object to him saying it's  
22 apparent, Your Honor. That's speculation on his part.

23 THE COURT: Objection overruled. Continue.

24 BY MR. DEPADILLA:

25 Q. Please continue, sir.



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1 A. Because after several days -- after a couple of days  
2 there was a question posed to me and to the captain about the  
3 master key, the master key that can open all the locks on the  
4 ship.

5 Q. Did the defendant eventually get ahold of the master key?

6 A. This key was eventually taken away from the captain.

7 Q. And would the master key open any compartment on that  
8 ship?

9 A. This is the -- the -- the specific of this key, to open.

10 Q. And going back to that first conversation with the  
11 defendant, did you discuss the communication systems on the  
12 ship at that time?

13 A. Yes. That was the second matter that was discussed about  
14 the satellite phone and the Internet connection.

15 Q. And after you had that conversation with the defendant  
16 about the satellite phone and Internet what did you see on  
17 the bridge?

18 A. After that all the communication systems were  
19 disconnected. Starting with the captain's cabin, all the  
20 modems were taken and brought to the bridge.

21 Q. So prior to the defendant getting on board the ship was  
22 it still possible to use the Internet once in a while?

23 A. Yes, and remained and continued to be until his arrival  
24 on the ship.

25 Q. And after he was on the ship no one could use the

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1 Internet anymore?

2 A. No.

3 Q. When the defendant was first talking to you did he ask  
4 you for anything?

5 A. He didn't ask me practically anything.

6 Q. Okay. Do you know where the defendant stayed -- well,  
7 first, did the defendant stay on the ship after that first  
8 day?

9 A. Yes, he practically was on board constantly, on the ship.

10 Q. Give the jury an idea. How long was the defendant on  
11 your ship, Chief?

12 A. He was constantly present for the duration of about eight  
13 months, except ten days when he left to go somewhere.

14 Q. And during that eight-month period, Chief, where did you  
15 sleep?

16 A. On the deck, on the floor, on the bridge.

17 Q. And for the majority of that eight-month period where did  
18 the defendant sleep?

19 A. He slept in the chief mate's cabin.

20 Q. And give the jury an idea, Chief. Compared to all the  
21 cabins, how nice is the chief officer's cabin?

22 A. The chief mate is a member of the top four, the senior  
23 officer on the ship. He has a more comfortable cabin. It's  
24 bigger. It has TV. It has video.

25 Q. Did the defendant have to clean his own cabin?

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1 A. No, he was calling the crew members to clean the cabin.

2 Q. And when you say "crew members" do you mean crew members  
3 of the Marida Marguerite?

4 A. Yes.

5 Q. And when the defendant first arrived on the ship  
6 approximately what was his weight?

7 A. When he appeared on the ship for the first time he was --  
8 he looked smaller than I size-wise.

9 Q. Did you give him a nickname at that time, Chief?

10 A. Yes, I gave him nickname Dry Fish.

11 Q. What was the nickname?

12 A. Dry Fish.

13 Q. Dry Fish. And why did you call him Dry Fish?

14 A. He had another nickname.

15 Q. And what was his other nickname?

16 A. Dracula.

17 Q. And why did you call the defendant Dracula, Chief?

18 MR. BROCCOLETTI: Judge, I'm objecting. That's not  
19 relevant to the proceedings. That's his opinion that he's  
20 voicing that has no relevancy whatsoever to what the issues  
21 in the case are.

22 THE COURT: The objection is overruled.

23 BY MR. DEPADILLA:

24 Q. Why did you call him that?

25 A. Because he was appearing only at nighttime.

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1 Q. So on a given day would you ever see the defendant during  
2 the daytime?

3 A. He was appearing very, very seldom in the daytime.  
4 Usually it was the nighttime.

5 Q. And over time as he stayed on the boat did his weight  
6 change?

7 A. Yes, of course.

8 Q. Okay. Did he gain weight or lose weight, Chief?

9 A. He gained dramatically.

10 MR. DEPADILLA: Madam Clerk, could we unpublish?

11 BY MR. DEPADILLA:

12 Q. I'd like to show you what's been previously marked  
13 Government's Exhibit 1-1 C.

14 Do you recognize that picture, Chief?

15 A. Yes.

16 Q. And what is it a picture of?

17 A. This is Ali Jama at the chief mate's cabin.

18 Q. And when was the first time you saw that picture, Chief?

19 A. I saw this picture after the release on the computer of  
20 one of the crew members.

21 MR. DEPADILLA: I offer 1-1 C, at this time, Your  
22 Honor, and ask to publish.

23 THE COURT: The crew member of the Marguerite?

24 THE WITNESS: Yes.

25 THE COURT: All right. 1-1 C is received in

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1 evidence, and it may be published.

2 (The exhibit was admitted into evidence.)

3 BY MR. DEPADILLA:

4 Q. Over the eight-month period did you see the defendant  
5 relatively regularly?

6 A. Practically, yes.

7 Q. So, based on the defendant's weight in the picture can  
8 you estimate when it was taken during the hijacking?

9 A. It was after the hijacking, about seven months later.

10 Q. How would the defendant talk to the company, your  
11 company?

12 A. Company?

13 Q. Your company, the people who employed you. How did the  
14 defendant talk to them?

15 A. We still had a satellite connection, and he was also  
16 using his mobile phone.

17 MR. DEPADILLA: I want to please unpublish, and I'd  
18 like to show 1-1 D.

19 BY MR. DEPADILLA:

20 Q. Do you recognize that photo, sir?

21 A. Yes.

22 Q. And what is that a photo of?

23 A. This is the radio room that is on the bridge, and the  
24 white item is the satellite telephone.

25 MR. DEPADILLA: I would offer 1-1 D, Your Honor, and

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1 ask to publish.

2 THE COURT: 1-1 D, showing the radio room on the  
3 USS Marguerite (sic) at the time, is admitted into evidence  
4 and may be published.

5 (The exhibit was admitted into evidence.)

6 BY MR. DEPADILLA:

7 Q. Just so the jury has an idea of the layout, where is this  
8 in relation to the picture we saw of the bridge?

9 A. This room is located right next to the door through which  
10 the pirates entered the bridge initially, so the left portion  
11 of the picture is the door.

12 Q. And from where you were held on the bridge could you hear  
13 that phone ring?

14 A. Yes. I was placed on the other side, but I could hear  
15 the calls. I could hear the rings very well.

16 Q. And to give the jury an idea, how often would that phone  
17 ring over that eight-month period you were lying there on the  
18 deck?

19 A. The phone rang quite often, but it was not answered that  
20 often.

21 Q. So estimate. If there were ten phone calls, how many  
22 times would the phone be picked up?

23 A. A day? Per day?

24 Q. A day, sure.

25 A. It could have been five, six phone calls that nobody

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1 would react to, but it could be one phone call a day that  
2 would be picked up.

3 Q. And how often would you see the defendant on the bridge  
4 when you were held there?

5 A. For a long time at the nighttime he was on the bridge  
6 with other pirates, and they were chewing khat.

7 Q. Okay. Explain that to the jury. What is khat?

8 A. Khat is a type of a plant or grass that the Somali people  
9 chew constantly, washing it down with a very sweet drink.

10 Q. And could you observe the effects that khat had on the  
11 pirates you saw chewing it?

12 A. Yes. It served as a stimulant, as a narcotic, because  
13 they would not be sleeping the whole night, even when their  
14 eyes were red.

15 Q. And how often did you see the defendant chew khat with  
16 other pirates?

17 A. Practically every day, for the whole day.

18 Q. Did you see them have conversations?

19 A. Yeah, they were constantly carrying on conversations.

20 Q. Did you see the defendant laugh with other pirates during  
21 those conversations?

22 A. Yes.

23 MR. DEPADILLA: Madam Clerk, could we unpublish,  
24 please?

25 THE CLERK: Yes, sir.

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1 BY MR. DEPADILLA:

2 Q. I'd like to show you what's been previously marked as  
3 1-1 E.

4 Do you recognize that picture, sir?

5 A. Yes.

6 Q. And what is that a picture of?

7 A. This is the khat, the remnants of the khat, of this  
8 plant.

9 Q. And does that fairly and accurately represent what you  
10 saw the defendant chewing with the other pirates?

11 A. Could you form --

12 Q. I'll rephrase it.

13 Have you seen the defendant chew leaves like that  
14 that are in that picture?

15 A. Yes.

16 MR. DEPADILLA: We offer 1-1 E, Your Honor.

17 THE COURT: 1-1 E is received in evidence, being a  
18 picture of khat.

19 (The exhibit was admitted into evidence.)

20 BY MR. DEPADILLA:

21 Q. How often would khat come onto your ship?

22 THE COURT: You're talking about during the capture?

23 MR. DEPADILLA: During the eight-month period. I'll  
24 be more specific. I apologize, Your Honor.

25 BY MR. DEPADILLA:



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1 Q. During the eight-month period that you were held on the  
2 Marida Marguerite how often would khat come onto the boat?

3 A. Khat was -- the khat was brought every day between 4:00  
4 and 5:00 p.m. from the land.

5 Q. And when the khat first arrived on the boat, on the  
6 Marida Marguerite during that 4:00 to 5:00 shipment, who got  
7 the first choice of the khat?

8 A. Ali Jama was always first to choose the best batches.

9 Q. And that was before any other pirate got a chance at the  
10 khat?

11 A. It was after that the remaining khat was distributed  
12 between the pirates. I don't know which hierarchy it was.

13 Q. Was your ship still running at this point -- the  
14 machines? Well, did you have electrical power at this point?

15 A. Yeah, the engines were still running, because we still  
16 had our own fuel.

17 Q. And to keep that engine running did members of your crew  
18 have to do maintenance?

19 A. The machine crew kept 12-hour shifts, 12 over 12,  
20 because, as Ali Jama said to me, I personally and the second  
21 engineer are forbidden to walk into the machine department.

22 Q. Okay. And when did the defendant demote you to second  
23 engineer?

24 A. When I started demanding that my presence at some point  
25 has to be at the machine department.

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1 Q. And after the defendant demoted you to second engineer  
2 were you allowed to go back to engineering at that time?

3 A. No.

4 Q. Would you see the defendant act as translator between  
5 other members of your crew and the other pirates?

6 A. He spoke to all the members of the crew in English, but  
7 when the crew members communicated something towards the  
8 Somalis we don't know what he was saying because everything  
9 was in Arabic.

10 Q. Did he appear to speak any other languages besides  
11 English and Somali?

12 A. We throw to each other a couple of Italian phrases a  
13 couple of times.

14 Q. Do you speak a little Italian, too, then?

15 A. Like any sailor; just a little.

16 Q. And when you would have conversations with the defendant  
17 would he ask you things about the ship?

18 A. Yes.

19 Q. And what kinds of things would he ask you about the ship?

20 A. He was asking questions regarding the value of the cargo,  
21 the ownership of the ship and the value of the ship.

22 Q. Did you give him that information, Chief?

23 A. No. This information is confidential. Even the captain  
24 wouldn't know this information.

25 Q. Did you see him ask other of your crew members about that

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1 same information after you would not give him those answers?

2 A. Yes.

3 Q. Did he appear to be selecting any special crew members to  
4 ask those questions to?

5 A. These questions were directed at the officers, and his  
6 favorite officer was the second mate.

7 Q. And that would be Mr. Pandey?

8 A. Mr. Pandey.

9 Q. Okay. How often would you see the defendant with  
10 Mr. Pandey?

11 A. Quite often.

12 Q. And did you see Mr. Pandey give the defendant  
13 confidential information about your ship?

14 A. I think so, because Mr. Pandey was constantly visiting  
15 the chief mate's cabin, where Ali Jama stayed on the phone  
16 call or on the call from Ali Jama for him.

17 Q. Did Mr. Pandey, from your observation, seem to have extra  
18 privileges based on his relationship with the defendant?

19 A. Of course.

20 Q. And did you ever see the defendant promote Mr. Pandey?

21 A. After a couple of months when the captain was relieved  
22 from his duties Jama gave the second mate the commanding  
23 responsibilities.

24 Q. And who relieved the captain of his duties?

25 A. The Somalis.

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1 Q. Okay. And how did you find out that the defendant made  
2 Mr. Pandey the captain at that point?

3 A. He announced it to the whole crew.

4 Q. Would you hear from time to time the defendant  
5 negotiating with your company about the ransom?

6 A. At times, yes.

7 Q. And where was he making those calls from?

8 A. At times he was heading communications on satellite phone  
9 from the bridge, at times he was calling on a mobile phone,  
10 and at times he was taking the satellite phone to the  
11 captain's cabin and he had conversations there.

12 Q. During your eight months on the ship, Chief, was the  
13 defendant always the pirate negotiator?

14 A. Not always.

15 Q. And what happened to him when he was not the pirate  
16 negotiator?

17 A. All phone calls to the company were controlled by Jama,  
18 even when those phone calls were made by other Somalis.

19 Q. Okay. But before what we talked about, Chief, was that  
20 at some point he's no longer the negotiator. Is that true?

21 A. Yes, he was taken off from his duties by the Somalis.

22 Q. Okay. And when he was taken out of his duties by the  
23 Somalis was he still living in the chief officer's cabin?

24 A. No.

25 Q. All right. Where did he have to sleep immediately after

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1 he was demoted?

2 A. He became a regular Somali pirate and kept sleeping on  
3 the deck in the front of the ship, in the bow part.

4 Q. And prior to becoming a regular Somali pirate did he have  
5 to sleep on the bridge for a couple of days?

6 A. For three or four days -- while he was being deposed he  
7 spent three or four days with us on the bridge under strict  
8 control of the Somalis without any telephone, and he was  
9 conducted -- escorted to the restroom the same way as we  
10 were.

11 Q. And after the three- or four-day period ended where did  
12 you see the defendant next?

13 A. After that, since I didn't have freedom of movement, I  
14 could observe him from the bridge on the front part of the  
15 ship, and a couple of times, with the permission of the  
16 Somalis, when the work had to be done I saw him at the front  
17 part of the ship.

18 Q. And when you saw the defendant on the front part of the  
19 ship was he carrying anything in his hands?

20 A. Yeah, he was armed.

21 Q. And armed with what?

22 A. Usually, the AK-47.

23 Q. And, Chief, you said that he actually slept out on the  
24 deck.

25 A. It's difficult to explain it to the jury. He slept on

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1 the deck.

2 MR. DEPADILLA: I'd like to unpublish, please, and  
3 I'd like to show you what's been previously marked as 1-1 M.

4 THE COURT: 1-1 --

5 MR. DEPADILLA: M, as in "Mary."

6 BY MR. DEPADILLA:

7 Q. Do you recognize that picture, Chief?

8 A. Yes. This is the photograph of the ship made from the  
9 bridge.

10 Q. And can you see the deck that you're talking -- that  
11 you've been describing in that picture?

12 A. Yes.

13 MR. DEPADILLA: We would offer 1-1 M at this time,  
14 Your Honor -- oh, actually, it's two pages, so can you flip  
15 to the second page.

16 I apologize, Your Honor.

17 Open it up out of the package.

18 THE COURT: It's two pictures, isn't it?

19 MR. DEPADILLA: It should be two pictures, Your  
20 Honor. Yes, two pictures. I want to identify them both for  
21 the record before asking to offer them.

22 BY MR. DEPADILLA:

23 Q. And what is the second picture, sir?

24 A. This is my ship, but on this photograph is the  
25 superstructure and the aft.

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1 Q. Does that fairly and accurately represent the  
2 superstructure of your ship?

3 A. Yes.

4 MR. DEPADILLA: Your Honor, now we would offer  
5 1-1 M, both pictures.

6 THE COURT: Take a look at 1-1 M, the second page,  
7 which shows the superstructure. Where on this part of the  
8 ship would he be sleeping?

9 MR. DEPADILLA: Your Honor, it's actually on the  
10 first page.

11 THE COURT: It is?

12 MR. DEPADILLA: Yes. The first page is the deck  
13 that he's describing.

14 THE COURT: All right. We'll get to it later.  
15 Right now we've been an hour and a half.

16 Everyone please rise. We'll take a 15-minute  
17 recess. We'll take one every hour and a half.

18 (The jury withdrew from the courtroom.)

19 THE COURT: 15-minute recess.

20 (A recess was taken.)

21 THE COURT: Please remain standing.

22 Bring in the jury.

23 (The jury entered the courtroom.)

24 THE COURT: You may be seated.

25 Let the record reflect the entire jury has returned.

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1 Mr. DePadilla, you may proceed.

2 MR. DEPADILLA: Thank you, Your Honor.

3 We would offer Government's Exhibit 1-1 M now and  
4 ask to publish so the witness can --

5 THE COURT: 1 M is -- I have two pages.

6 MR. DEPADILLA: Two pages, Your Honor. He's  
7 identified the first as the deck of the ship and the second  
8 as the superstructure.

9 THE COURT: Okay.

10 MR. DEPADILLA: Thank you, Your Honor.

11 THE COURT: 1 M (sic), in two pages, is hereby  
12 admitted and my be published.

13 (The exhibit was admitted into evidence.)

14 BY MR. DEPADILLA:

15 Q. Chief, could you look at the screen?

16 Okay. What is that a picture of?

17 A. This is the front -- this is the front part and the deck  
18 of the Marida Marguerite, a photograph made from the ship's  
19 bridge.

20 Q. Now, earlier you testified when the defendant got demoted  
21 he slept somewhere on this deck. Could you indicate that for  
22 us?

23 A. The very front under the anchor compartment.

24 Q. So let me blow up part of that, Chief.

25 THE COURT: I have no idea where the anchor



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1 compartment is, unless --

2 BY MR. DEPADILLA:

3 Q. Is that up here, Chief, near this ladder?

4 A. Just -- higher.

5 Q. Here?

6 A. Right there.

7 Q. Right where the red arrow is, Chief, for the record?

8 A. Yes.

9 Q. And when the defendant was a pirate guard and slept there  
10 how often did you see him with the AK-47?

11 A. A couple of times I had to go and inspect the equipment  
12 out there, so I saw him sleeping under the winch with the  
13 assault rifle near him.

14 Q. Okay. And earlier you also testified that when the khat  
15 arrived when he was the negotiator he got the first choice.  
16 Did that change when he became a pirate guard?

17 A. I don't think so.

18 Q. Okay. Who replaced him as pirate negotiator?

19 A. A new interpreter arrived who called himself Leon.

20 Q. And how long was Leon the pirate negotiator for the  
21 Marida Marguerite?

22 A. Maybe a month, maybe a little more than a month.

23 Q. And tell the jury who replaced Leon.

24 A. Ali Jama replaced Leon again.

25 Q. Did he get to move back into the first officer's cabin?

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1 A. Yes.

2 Q. Who negotiated the final ransom that your company had to  
3 pay this pirate organization?

4 A. Ali Jama.

5 Q. Okay. Now I want to talk about the part of this time  
6 period when Leon was the negotiator.

7 During that time did Ali Jama ever make you an offer?

8 A. An offer was made to use Marida Marguerite as a mother  
9 ship, mother vessel, for other hijackings on the sea.

10 Q. Was that made by the defendant, Ali Jama?

11 A. Yes.

12 Q. And was that during the first week of December, when Leon  
13 was the negotiator?

14 A. Leon had at that time difficulties in his work, and that  
15 was -- yes, that was in December.

16 Q. Okay. Tell the jury, what was the offer the defendant  
17 made you about a mother ship?

18 A. The vessel would move from the Somali coast towards the  
19 gulf about 900 miles, and we would use our ship as a mother  
20 ship to hijack some other ships.

21 Q. And how much did the defendant offer you if you were  
22 willing to do that, sir?

23 A. \$100,000.

24 Q. Did you take him up -- did you agree to that offer?

25 A. Naturally, not. I said, "Even for a million." One, my

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1 ship will not go and engage in activities like this.

2 Q. Did the defendant continue to ask you to do this?

3 A. Yes, he was asked to reconsider, think it through, and my  
4 answers that we don't have enough speed and we don't have  
5 enough fuel did not have any effect on him.

6 Q. When the defendant wanted something from you would he  
7 offer you smaller things than a hundred thousand dollars?

8 A. He was -- he was offering \$25,000 when we -- the ship was  
9 about to lose the electricity completely.

10 Q. And what was that offer? What was he going to give you  
11 \$25,000 for?

12 A. For us to insure the work of the machinery, to prevent  
13 loss of power and to keep all the machines running in the  
14 proper order.

15 Q. Chief, did you have glasses when you were on the Marida  
16 Marguerite?

17 A. Yes.

18 Q. Can you tell the jury what happened to your glasses?

19 A. When there were searches of the area where we were  
20 sleeping I was not able to find my eyeglasses, but later in  
21 the evening I saw it on a person.

22 Q. And who did you see your glasses on, Chief?

23 A. Ali Jama had them.

24 Q. Did you ask the defendant for your glasses back?

25 A. He said that at some point he will return it to me, to

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1 which I answered that this is the Ukrainian gift to the  
2 Somali pirates.

3 Q. Chief, did you have -- when you were confined to the  
4 bridge were you allowed to get your clothes out of your  
5 cabin?

6 A. No. At the time of the hijacking all the belongings  
7 stayed in the cabin.

8 Q. And over the course of time that you were confined to the  
9 bridge did you ever see your clothes again?

10 A. I observed some of my clothes, such as training suit or  
11 some T-shirts weared by Ali Jama -- worn by Ali Jama.

12 Q. Now, would there come times when you were on the ship  
13 that pirates would visit, other pirates would visit from the  
14 shore?

15 A. There was always changes. The contingents was changing  
16 all the time. New people were coming, old people were going  
17 off.

18 Q. Was there one pirate that would come a couple of times  
19 that you called the investor?

20 A. Yes, several times one of the pirates was arriving, and  
21 in my opinion he was a very high rank, and based on his  
22 activities we called him the investor.

23 Q. Okay. Did you see the defendant interact with that  
24 investor?

25 A. Yes, constantly. The arrival of the investor was for the

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1 purpose of communicating with Ali Jama.

2 Q. Did you see them eat together?

3 A. Yes, constantly.

4 Q. Did you see them chew khat together?

5 A. They were constantly sitting on the other side of the  
6 bridge, other side from where I was, and they were chewing  
7 khat.

8 Q. Did you ever see the investor hit the defendant?

9 A. No.

10 Q. Did you ever see the investor spit on the defendant?

11 A. No.

12 Q. When the defendant was promoted -- demoted, I'm sorry --  
13 to just another pirate guard did he still have conversations  
14 with the investor?

15 A. Yes.

16 Q. Did you learn the name of the town where your ship was  
17 first anchored?

18 A. The first port we entered was called Garaad.

19 Q. And were you ever forced to move your ship from the  
20 anchorage at Garaad?

21 A. And then on the pirates' orders we moved the ship a  
22 hundred miles to the south to the place called Hobyo.

23 Q. And who gave you that order to move to Hobyo?

24 A. All the orders were issued through Ali Jama.

25 Q. Okay. Would Ali Jama sometimes translate from other

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1 pirates who seemed to be giving those orders?

2 A. It's hard to say how the communications were, but several  
3 times the orders were offered as the translation of the  
4 direct order from the -- from other Somalis.

5 Q. All right. Were there other times that Ali Jama or the  
6 defendant gave you direct orders himself?

7 A. A person appears on the bridge, issues an order, and it  
8 seems that the order comes from him.

9 Q. Okay. But was there a time that an order came out of the  
10 defendant's mouth to you to do something?

11 A. Yes, any movements of the ship were dictated by him.

12 Q. Tell the jury, what did you see when you got to Hobyo?

13 A. In Hobyo there were also other ships anchored, tankers,  
14 but the distinction was they were bigger than our ship.

15 Q. Now I want to talk about your second trip to Hobyo.

16 Did the defendant tell you why you were going to  
17 Hobyo the second time?

18 A. Yes. He said that the ship should be moved to Hobyo to  
19 be transferred to the group al-Shabaab.

20 Q. And what is al-Shabaab?

21 A. Al-Shabaab is one of the affiliates of the group  
22 al Qaeda.

23 Q. And did you see the defendant address your crew with what  
24 was going to happen if they got turned over to al-Shabaab?

25 A. He said that if within 24 hours the company, the

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1 ownership, owner company, will not have any measures the ship  
2 will be transferred to al-Shabaab. Al-Shabaab would pay the  
3 initial price that was demanded by the pirates and then in  
4 turn would be asking not for the compensation, but they would  
5 do some political demands for release of their own  
6 compatriots and such.

7 Q. Did the defendant tell your crew that al-Shabaab would do  
8 bad things to them if they were given to al-Shabaab?

9 A. Yes. He basically intimidated everybody so much that the  
10 younger members of the crew were hysterical.

11 Q. And at that time did the defendant let the crew use the  
12 phone?

13 A. Yes. There was permission given for the crew members to  
14 call their relatives and immediate family to help to apply  
15 pressure and apply pressure to the company to organize money  
16 within 24 hours to release the crew.

17 Q. Did the defendant instruct the crew what they were to say  
18 to their families?

19 A. He said to explain the situation to the families the same  
20 way as was explained to us.

21 Q. At that time was there also a call to your company for  
22 ransom negotiations?

23 A. Yes, but some other pirate was making that phone call.

24 Q. And when the other pirate was making the phone call to  
25 the company what was the defendant doing?

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1 A. He was controlling the phone call and he was directing  
2 all the action, because the other pirate did not have a good  
3 command of the English language.

4 Q. Ultimately, was your crew ever turned over to al-Shabaab?

5 A. No.

6 Q. Now, when you are forced to move your ship what does that  
7 do to your fuel reserves on the ship?

8 A. Any movement of the ship affects the reserves, and since  
9 we didn't have enough fuel to begin with we practically lost  
10 it all.

11 Q. And, Chief, over this period of months we've been talking  
12 about give the jury an idea, what resources were running out?

13 A. All resources were depleting. We had -- we ran out of  
14 oil, provision, drinking water.

15 Q. So let's talk about food. What did you do for food when  
16 your ship's stores ran out?

17 A. Every day the Somalis were taking small provisions on  
18 board of the ship. They were cooking for their own Somalis,  
19 and a portion of it was coming to us.

20 Q. Now, what about water? When the Marguerite is not moving  
21 and is at anchor can it make fresh water?

22 A. Practically not, but we were able to organize production  
23 of drinking water for the whole duration of our captivity.

24 Q. And how were you able to make fresh water, Chief?

25 A. Fresh water is being produced from the sea water, but to



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1 do that we have to use a lot of fuel.

2 Q. And did you create a fix on the ship so you could create  
3 fresh water for your crew?

4 A. We changed the system a little bit and adjusted it. It  
5 was very complicated, but we made it through.

6 Q. And once you've done this, Chief, how much fresh water  
7 could you make a day?

8 A. At first we were making 600 liters a day. Later on it  
9 was increasing to one ton a day, and by the end we were able  
10 to produce three tons of fresh water a day.

11 Q. Did you have conversations with the defendant about the  
12 fact that you figured out a way to make fresh water?

13 A. There were no conversations, but every day I had to  
14 report of the quantity of the volume of water; how much we  
15 produced and how much water left.

16 Q. And who would you report that to?

17 A. I was reporting it to Ali Jama.

18 Q. And did the defendant ever ask you to give water to other  
19 ships?

20 A. Yes, of course.

21 Q. Explain that to the jury. What type of ships did the  
22 defendant want you to give your fresh water to?

23 A. I was given an order from him to give just a quantity of  
24 water. It was not specified to which ship. We were given  
25 orders to give five ton, 10 ton, 20 ton. For the whole

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1 duration of our captivity we gave out about 600 tons of fresh  
2 water.

3 Q. Okay. Were the ships in that area that you saw  
4 controlled by the pirates?

5 A. Yes.

6 Q. And when the defendant initially asked you to give him  
7 water to give to other ships what did you say to him?

8 A. The first time when it happened I said that I cannot give  
9 this quantity of water because we just don't have it.

10 Q. Okay. And when you refused to give water were the  
11 pirates -- were they -- did they agree to that?

12 A. They would not agree practically to any arguments that I  
13 had. They were very aggressive at that point.

14 Q. Okay. But I want to specifically talk about when you  
15 were talking with the defendant, Mohammad, about water. Do  
16 you remember that, Chief?

17 A. Yes. When I refused, Mohammad, who is one of six who  
18 hijacked our ship, he came into indescribable rage.

19 Q. And when Mohammad was coming into an indescribable rage  
20 was the defendant doing anything to calm him down at that  
21 point?

22 A. Absolutely not.

23 Q. And what happened after Mohammad got angry at you?

24 A. Mohammad took me and the captain to the aft, the rear  
25 part of the ship.

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1 Q. And when you were being taken away from the defendant did  
2 he do anything at that time?

3 A. No, he was taking some food at this time.

4 Q. He was eating. Is that what you're saying?

5 A. Yes.

6 Q. Where did Mohammad take you, sir?

7 A. He took us to the aft of the ship.

8 Q. All right. And what could you see when you got to the  
9 aft of the ship?

10 A. My hands were tied behind my back, my eyes -- I was put  
11 the blinds on my eyes, and I was suspended.

12 The captain was put down on his knees, the blindfold  
13 was put over his eyes, and Mohammad started shooting to the  
14 air -- into the air.

15 Q. All right, Chief. I want to go back for a second so I  
16 can understand this.

17 How were you suspended?

18 A. With rope tied over the -- over my hands and over the  
19 pipe.

20 Q. Okay.

21 MR. DEPADILLA: Your Honor, for the record, if it  
22 could reflect the witness put his hands behind his back as if  
23 they were bound, and they were pulled up.

24 BY MR. DEPADILLA:

25 Q. So, sir, were you suspended in the air from your arms?

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1 A. Yes.

2 THE COURT: Let the record so reflect --

3 MR. DEPADILLA: Thank you, Your Honor.

4 THE COURT: -- that he put his hands behind his back  
5 and drew them up as if he was being pulled up from the rear  
6 by a rope.

7 Let's move along.

8 BY MR. DEPADILLA:

9 Q. Sir, how long were you held that way?

10 A. About 15 to 20 minutes.

11 Q. And when Mohammad blindfolded you and fired the shots  
12 next to the captain could you see what was going on?

13 A. I could see over the blindfold because I moved my head in  
14 such a way I could see what's going on.

15 Q. And did Mohammad actually shoot the captain?

16 A. No.

17 MR. DEPADILLA: Could we unpublish, please?

18 I'd like to show the witness what has previously  
19 been marked as Government's Exhibits 1-1 F and G.

20 THE COURT: 1-1 F and G?

21 MR. DEPADILLA: F and G, Your Honor.

22 BY MR. DEPADILLA:

23 Q. Do you recognize those pictures, sir?

24 A. Yes.

25 Q. What are these pictures of?

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1 A. This is the aft of the ship, and I can see the rope on  
2 which I was suspended.

3 MR. DEPADILLA: Your Honor, we would offer  
4 Government's Exhibits 1-1 F and 1-1 G.

5 THE COURT: 1-1 F and 1-1 G are admitted into  
6 evidence. You may publish them.

7 (The exhibits were admitted into evidence.)

8 MR. DEPADILLA: Thank you, Your Honor.

9 BY MR. DEPADILLA:

10 Q. And what is that, sir, that I've blown up?

11 A. This is the -- this is the rope that was used to suspend  
12 me during that so-called execution.

13 Q. And after 15 minutes how did you get off the rope?

14 A. I started screaming to Mohammad, "Stop it. I will give  
15 you as much water as you need."

16 Q. And after that time, Chief, whenever the pirates would  
17 ask you for water what would you do?

18 A. We went down to the machine department and I ordered the  
19 motorist to prepare the system to pump the water.

20 Q. And who kept closest track on how much water that you had  
21 in the system and you could give to the pirates?

22 A. As I said, I was always reporting it to Ali Jama.

23 Q. I now want to go, sir, to the first week of September.  
24 At that time were you tortured again?

25 A. Yes.

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1 Q. And who told you that you were going to be tortured, sir?

2 A. The first information I obtained from Ali Jama.

3 Q. And what did the defendant -- why did the defendant tell  
4 you you were going to be tortured in September?

5 A. It started with the fuel was coming to an end. All my  
6 arguments about this were actually disregarded. So  
7 everything started with the fuel.

8 Q. And what would the defendant ask you about the fuel?

9 A. The fact that I am hiding fuel, that there are reserves  
10 of the fuel that I do not disclose to the pirates.

11 Q. And when you gave those answers to the defendant did he  
12 accept them?

13 A. He was accepting them, but he was always saying that I am  
14 lying.

15 Q. How often did the defendant tell you you were going to be  
16 tortured if you didn't tell him about the fuel?

17 A. He would not specify the concrete date, but he said that  
18 it would start in the near future.

19 Q. Okay. Eventually did he narrow it down to a time of day  
20 that you would be punished?

21 A. Yes. He said that it's going to be happening at 6:00 in  
22 the morning and at 6:00 in the evening every day.

23 Q. And when you were talking to the defendant about the fuel  
24 what did he say about the satellite communication equipment?

25 A. He was -- he was interested on the matter of how many

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1 inlets or points of connection on the ship exist to connect a  
2 satellite phone.

3 Q. And, Chief, how many satellite ports did you think  
4 existed at that time?

5 A. There were four ports, but I knew only of three.

6 Q. And, so, when you said there were only three ports what  
7 did the defendant do?

8 A. Naturally, he did not believe me. Probably he knew how  
9 many ports there should be.

10 Q. Where did the torture begin this time?

11 THE INTERPRETER: Where?

12 MR. DEPADILLA: Where.

13 THE WITNESS: The first torture took place on the  
14 bridge.

15 BY MR. DEPADILLA:

16 Q. And who was on the bridge at that time, Chief?

17 A. There were -- I was on the bridge, captain, chief mate,  
18 second engineer, and there was the investor, Ali Jama, and  
19 also several -- and the Somalis, several of them of the  
20 higher rank, who took action in the initial assault.

21 Q. Tell the jury, Chief, what was done to you first.

22 A. My hands were tied behind my back, my legs were tied and  
23 they were connected to my arms behind my back.

24 Q. Were your legs pulled up until they met your arms?

25 A. Yes.

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1 Q. Who else was tied at that time?

2 A. Everybody else; the captain, the chief mate and the  
3 second engineer.

4 Q. What were the investor and the defendant doing at that  
5 time?

6 A. They were sitting on the other side of the bridge  
7 observing -- in front of us observing what is being done to  
8 us. They were chewing khat, giggling and talking among  
9 themselves.

10 Q. How tight did they tie the ropes, Chief?

11 A. Quite tight, but they presumed it's not that tight, so  
12 they started putting plastic cables on the arms.

13 MR. DEPADILLA: Please unpublish.

14 I'd like to show the witness what's been marked as  
15 1-1 I.

16 BY MR. DEPADILLA:

17 Q. Do you recognize that, Chief?

18 A. Yes.

19 Q. What is that a picture of?

20 A. This is the plastic tie or cable.

21 MR. DEPADILLA: We offer 1-1 I, Your Honor, and ask  
22 to publish.

23 THE COURT: 1 I (sic) is received in evidence, and  
24 it may be published.

25 (The exhibit was admitted into evidence.)



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1 MR. DEPADILLA: Thank you, Mr. Samuels.

2 THE COURT: That's 1-1 I.

3 BY MR. DEPADILLA:

4 Q. Where did they apply this to, Chief?

5 A. They put these ties like this on my arms, on both arms,  
6 on me and on the captain as well.

7 Q. Did you say anything to the pirates as they were  
8 tightening these on your arms?

9 A. I was trying to explain. I was screaming, trying to  
10 convey that everybody speaks the truth.

11 Q. And when you screamed what did they do with those ties,  
12 Chief?

13 A. They were pulling them even more.

14 Q. Was the captain crying out at that time?

15 A. The captain was screaming very, very much, the second  
16 engineer was practically hysterical, and the chief mate was  
17 crying with tears.

18 Q. Was the captain calling out for the defendant?

19 A. Yes, he was screaming many times, "Ali, please stop it,"  
20 to which the response was, "Please forget my name."

21 Q. I want to --

22 MR. DEPADILLA: Please unpublish.

23 BY MR. DEPADILLA:

24 Q. I'd like to show you 1-1 J, K and L.

25 Do you recognize these pictures, Chief?

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1 A. Yes.

2 Q. What are they pictures of?

3 A. This is me.

4 Q. And when were they taken?

5 A. These photographs were made on the arrival to Oman after  
6 our release.

7 Q. And do they fairly and accurately represent what you  
8 looked like at that time?

9 A. Yes.

10 MR. DEPADILLA: I'd offer those, Your Honor.

11 THE COURT: Government Exhibit 1-1 J, being a  
12 picture of the witness, 1-1 K, being a picture of one of his  
13 arms, and 1-1 L --

14 MR. DEPADILLA: It should be 1-1 L, as in Lucy.

15 THE COURT: All received in evidence and will be  
16 published.

17 (The exhibits were admitted into evidence.)

18 MR. DEPADILLA: Thank you, Your Honor.

19 BY MR. DEPADILLA:

20 Q. Mr. Samuels, could we start with J. Who is that a  
21 picture of, Chief?

22 A. I am.

23 MR. DEPADILLA: And can we now go to K?

24 BY MR. DEPADILLA:

25 Q. Chief, I want to focus your attention to this part of

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1 your arm. What is this mark we're looking at?

2 A. These are the marks after the plastic ties.

3 Q. How long was this picture taken after the ties were  
4 applied to you?

5 A. That was more than three months since.

6 MR. DEPADILLA: Please "Escape," Mr. Samuels.

7 BY MR. DEPADILLA:

8 Q. How long did it go on for that night, sir?

9 A. Six hours.

10 Q. Did the defendant do anything to help you at any time?

11 A. No.

12 Q. And when the six-hour period ended what happened?

13 A. At 12:00 the pirates untied us and said that in the  
14 morning they will continue.

15 Q. What happened the next morning?

16 A. At 6:00 in the morning the captain was taken out from the  
17 bridge. Where to, I don't know.

18 They took me -- they came for me. They walked me  
19 out from the bridge. They tied -- they put a blindfold over  
20 my eyes. They tied my arms behind my back the same way as  
21 they did the first time. They put a rope on my arms and  
22 thrown it over the pipe and pulled me up in a way that I  
23 wouldn't be able completely to keep my feet on the ground.  
24 And they also tied a rope around my waste so I would not fall  
25 down and break my arms out of the sockets.

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1 Q. How hot was it that day, Chief?

2 A. It was about 36, 37 centigrades Celsius.

3 Q. Chief, we're in America and have problems with Celsius.  
4 Was it warm?

5 A. It's very hot.

6 Q. Was there direct sunlight on you?

7 A. Yes, of course. It's an open deck.

8 Q. Did you see the defendant that morning?

9 A. No.

10 Q. Did you ever see the defendant in the morning, usually?

11 A. No, usually he would not appear in the morning.

12 Q. How long were you hung for that time, Chief?

13 A. For four hours.

14 Q. And who took you down this time from being hung?

15 A. The same pirates that tied me up released me.

16 Q. Where were you taken next?

17 A. They brought me back to the bridge because at the time  
18 when I was suspended, when I was hanging, I could hear  
19 screams of the captain.

20 Q. Tell the jury, when you got to the bridge what did you  
21 see?

22 A. After ten minutes the captain was brought by the other  
23 members of the crew in very, very bad shape.

24 Q. Describe him for the jury.

25 A. He was -- he was practically not breathing. The water

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1 was poured over him, and apparently he had a very high blood  
2 pressure. He was very red all over his body.

3 Q. And where was the defendant at this time?

4 A. He wasn't there.

5 Q. Okay. Was there any more torture that morning?

6 THE COURT: The defendant wasn't there. Is that  
7 correct? Or was there?

8 THE WITNESS: He was not there.

9 THE COURT: Was not there. Okay.

10 BY MR. DEPADILLA:

11 Q. Was there any more torture that morning?

12 A. Not in the morning, but they continued at 6:00 in the  
13 evening.

14 Q. So when 6:00 in the evening came around did you see the  
15 defendant again?

16 A. No.

17 Q. All right. Who took you for torture this time?

18 A. Three ordinary pirates.

19 Q. And where were you taken?

20 A. I was taken to a freezer.

21 Q. And what was the purpose of the freezer on the Marida  
22 Marguerite when the pirates weren't on it?

23 A. The freezer on the ship is to store -- keep the food.  
24 There is a freezer for meat, a freezer for vegetables, for  
25 the bulk provisions.

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1 Q. What happened when you got to the freezer, Chief?

2 A. The same questions about the fuel and several other  
3 questions were asked. I was taken in the freezer. My jeans  
4 were pulled down. They turned the light off and closed the  
5 door.

6 Q. Okay. And did you have a shirt on or not?

7 A. I had a T-shirt.

8 Q. Okay. When they pulled your pants down and you were in  
9 the freezer what did you do next?

10 A. I pulled my pants up and I started making exercises,  
11 because at that time in the freezer the temperature was minus  
12 17.

13 Q. What happened then?

14 A. Celsius.

15 Q. Celsius, I understand.

16 And what happened then when you were making exercise  
17 in the freezer?

18 A. Then they opened the door. They saw me properly clothed.  
19 Then they tied my hands again behind my back and suspended me  
20 on meat hooks in the freezer. And before they left they  
21 pulled my pants back down.

22 Q. How long were you on the meat hook, Captain (sic)?

23 A. The whole time, 45 -- 40 minutes.

24 Q. Captain, starting from when all this punishment started  
25 the day before until the time that you're in the freezer, had

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1 you ever changed your answers about the amount of fuel?

2 A. Absolutely not, because the answer was a hundred percent  
3 truthful.

4 Q. And did you ever change your answer on the number of  
5 satellite ports from the first answer you gave the defendant?

6 A. No, because I knew only of three.

7 Q. Where did you go after the freezer, Chief?

8 THE COURT: Mr. DePadilla, it's after 4:30 now. Are  
9 you going to be continuing for some time?

10 MR. DEPADILLA: Yes, Your Honor, I will be.

11 THE COURT: In that case, ladies and gentlemen,  
12 we'll take a break. I indicated that we'll try to stop at  
13 4:30 every day to give you a chance to get home and do a few  
14 things. I hate to interrupt it at this time.

15 MR. BROCCOLETTI: Could we just have a sidebar,  
16 Judge, very quickly about tomorrow?

17 THE COURT: Yes.

18 (The following was heard at the sidebar out the  
19 hearing of the jury:)

20 MR. BROCCOLETTI: Last month I tried a case in  
21 Norfolk Circuit Court with Judge Norman Thomas. The Court  
22 may know that Judge Thomas has not been reappointed, and his  
23 term is ending. He's ordered me to be there at 8:30 tomorrow  
24 morning for a sentencing, which I think I can be here at  
25 9:30, quarter to 10:00.

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1 THE COURT: We'll start at 10:00.

2 MR. BROCCOLETTI: Yes, sir. I just wanted to advise  
3 the Court I would be late.

4 THE COURT: Did you tell him where you were?

5 MR. BROCCOLETTI: I advised him where I was, and  
6 I'll leave it at that.

7 THE COURT: All right.

8 (The proceedings resumed in open court as follows:)

9 THE WITNESS: Tomorrow morning -- we'll start at  
10 10:00 tomorrow morning, and we'll go probably until 5:00  
11 tomorrow. We'll try to move along. It's necessarily taking  
12 a long time because we have to have the translators.

13 Everybody please rise while the jury retires.

14 (The jury withdrew from the courtroom.)

15 THE COURT: Mr. Dereglazov, you're instructed not to  
16 discuss your testimony with anyone until you come back  
17 tomorrow morning.

18 Anything you want to take up while the jury is out?

19 MR. BROCCOLETTI: No, Your Honor.

20 THE COURT: Let's wait a moment. I want the jury to  
21 at least get -- have a seat. We'll let the jury get out so  
22 we don't have anyone running into the jury.

23 (There was a pause in the proceedings.)

24 THE COURT: We'll recess.

25 (The hearing adjourned at 4:45 p.m. on April 18,



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1 2012, and reconvened at 10:00 a.m. on April 19, 2012, as  
2 follows:)

3 (The roll was called, and the proceedings resumed as  
4 follows:)

5 THE CLERK: Your Honor, there are 14 jurors present.

6 THE COURT: Thank you. Nice to have you. Good  
7 morning, ladies and gentlemen.

8 We'll proceed with the witness that was on the stand  
9 yesterday.

10 MR. DEPADILLA: Thank you, Your Honor.

11 THE COURT: Mr. Dereglazov, you may resume the  
12 stand. You're reminded -- I have to let the interpreter...

13 You're reminded, sir, that you are still under an  
14 affirmation and oath to tell the truth, the whole truth, and  
15 nothing but the truth.

16 You may proceed.

17 OLEG DEREGLAZOV, the witness on the stand at the  
18 time of adjournment on April 19, 2012, testified further as  
19 follows:

20 DIRECT EXAMINATION (Continuing)

21 BY MR. DEPADILLA:

22 Q. Chief, I want to pick up when you were taken out of the  
23 freezer. So where were you taken next?

24 A. I was taken back to the bridge, and then the captain was  
25 taken away after me.

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1 Q. And who else was on the bridge when you were back there?

2 A. Several pirates, the chief mate and the second engineer.

3 Q. Had you seen the defendant yet this day?

4 A. No.

5 Q. How long was the captain gone?

6 A. The captain was gone for about 30 minutes.

7 Q. And what happened when he returned?

8 A. He returned in very bad shape and basically just laid  
9 down to rest.

10 Q. Okay. Was there any more torture done at this time?

11 A. Not on that day but the next day when a new round  
12 started.

13 Q. Okay. So where were you when the next round started?

14 A. The captain and I were on the bridge.

15 Q. All right. And who was present on the bridge with you at  
16 that time?

17 A. There was the chief mate, the second engineer, a lot of  
18 the pirates and Ali Jama.

19 Q. Were you being asked questions at that time?

20 THE INTERPRETER: I couldn't hear that.

21 BY MR. DEPADILLA:

22 Q. Were you being asked questions at that time?

23 A. We were told that since we were not saying the truth we  
24 should gather our belongings and the captain and I would be  
25 taken back on shore to Garaad.

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1 Q. And who told you that?

2 A. Ali Jama was saying it all.

3 Q. Had you ever been taken onto the land in Somalia before  
4 this point?

5 A. No.

6 Q. And where were you taken first, sir?

7 A. We were told to gather all our belongings, take our  
8 cigarettes, change of clothes, if we have it, take linens,  
9 and we were taken out on the deck in the rear part of the  
10 ship.

11 Q. And what happened when you got on that deck, Chief?

12 A. When the captain and I were taken out on the deck we were  
13 separated. I was taken on the right side of the ship, he was  
14 taken to the left side of the ship, and I could not see him.

15 Q. All right. And what happened to you at that point?

16 A. About three meters away from me there were four pirates  
17 with the machine guns. They put a sheet over me, a bath  
18 sheet over me, and said that I'm going to be executed now.

19 Q. And after they said that what happened next?

20 A. After about two or three minutes they said they're not  
21 going to waste ammunition on me; they would just cut my  
22 throat in the style of Halal.

23 Q. Were you saying anything to them at this point, Chief?

24 A. I did not say anything. They were constantly demanding  
25 of me to tell how much fuel is on board.

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1 Q. And was that the same question the defendant had asked  
2 you at the beginning of all of this torture?

3 A. Yes. This question was repeated constantly.

4 Q. And once those pirates said they were going to kill you  
5 with a knife what happened?

6 A. They put me on my knees, they covered my eyes, and they  
7 brought from the kitchen -- they brought a big meat cleaver,  
8 big knife. They pulled my head back, and they started to  
9 sharpen the knife, making noises of sharpening the knife, and  
10 then with the dull side, the dull edge of the knife, they  
11 started touching my throat.

12 Q. And when the knife first touched your throat, Chief,  
13 could you tell if it was the dull side or the sharp side,  
14 when it first touched your neck?

15 A. Yes, of course.

16 Q. What happened after that?

17 A. Again the question about the fuel was continued  
18 constantly. They were telling it right to my ear. Then  
19 about for three or four minutes the action with the knife was  
20 continuing, and then they untied my eyes and they covered my  
21 head with a plastic bag, cutting the air supply completely.

22 Q. And how long were you suffocated, sir?

23 A. When they were seeing that I'm getting out -- out of  
24 breath completely they were taking the bag off, letting me  
25 breathe a little bit, and then putting it back on.

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1 Q. Did they continue to ask the same questions?

2 A. Yes.

3 Q. How long did the suffocation torture go on for?

4 A. About seven to ten minutes, approximately. By that time  
5 my hands were still free, but then they took the bag off and  
6 tied my hands behind my back. Two people took me to the  
7 barriers on board of the ship, took me overboard and held me  
8 from my feet, hanging down.

9 Q. And, Chief, approximately how far was it down from where  
10 you were being held if you had fallen?

11 A. It's 12 to 15 meters.

12 Q. And would you have hit the deck, or would you have hit  
13 the water?

14 A. I would have fallen into water.

15 Q. How long did that go on for, sir?

16 A. For about five minutes they held me like this. Then they  
17 left -- let one of my legs go and held me just from one leg  
18 for about three minutes.

19 Q. And to make the record clear, sir, were your hands bound  
20 at this point?

21 A. Yes, behind my back.

22 Q. How long were they holding you by one leg?

23 A. Three to four minutes.

24 Q. And what did they do after that?

25 A. They pulled me back in the initial position, and then at

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1 that time I heard shots on the other side of the ship.

2 Q. After you heard the shots from the other side of the ship  
3 where did they take you?

4 A. They said that they killed the captain and took me back  
5 to the bridge.

6 Q. And when you got to the bridge did you have a  
7 conversation with the defendant?

8 A. Yes. He was sitting there waiting for me and repeated to  
9 me the same information that the pirates said; that the  
10 captain was killed.

11 Q. And when the defendant told you that the captain had been  
12 killed did he ask you to do something?

13 A. Yes. He wanted me to call to the company and inform  
14 them -- inform the person who was responsible for the  
15 negotiation that the captain had been killed and if they do  
16 not do what we tell them they will start killing other  
17 members of the crew.

18 Q. Did you follow the defendant's order?

19 A. Yes.

20 Q. Did you have a conversation -- well, first, how long had  
21 it been since you had been in the engine room at this point?

22 A. It continued since morning for about three to four hours.

23 Q. Okay. But what I want to know, Chief, is on this day  
24 that we're talking about how long had it been since you had  
25 been to the engine room? When was the last time you had been

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1 there?

2 A. Would you clarify, please?

3 Q. Okay. How often did the pirates let you go to the engine  
4 room?

5 A. Once a month, and only if I insisted very much.

6 Q. Okay. And on this day that we're talking about when they  
7 faked cutting your throat with the knife were you later taken  
8 to the engine room that same day?

9 A. That was after the phone call, after I was on the bridge  
10 and made a phone call to the company.

11 Q. And before you went to the engine room did you have a  
12 conversation with the defendant?

13 A. Yes, I introduced the ship technical register to prove  
14 that the amount of fuel that I was saying is in existence,  
15 it's true.

16 Q. Okay. And when you were talking to the defendant about  
17 the technical register did the defendant make a gesture  
18 towards you and say something?

19 A. He said this is a lie, anyway, and if the actions that  
20 were taken against me did not help before they will be taking  
21 some other measures against me.

22 Q. And did he indicate at that time what those other  
23 measures might be?

24 A. He said that my genitalia will be tied up with the  
25 plastic ties.

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1 Q. And when the defendant told you that your genitals would  
2 be tied with plastic ties what did you tell him?

3 A. I said if they're going to attempt to they would have to  
4 kill me first and then do that.

5 Q. After you had that conversation were you taken to the  
6 engine room?

7 A. Yes. Several pirates, including Ali Jama and the  
8 investor, accompanied me to the engine room to see where I  
9 could have hidden fuel.

10 Q. Chief, can you describe for the jury what could you see  
11 when you got to the engine room?

12 A. There were pirates in the engine room at that time, and  
13 all the portholes for the fuel tanks were open. When we were  
14 approaching every porthole they were asking questions;  
15 "What's this tank for? Why is it empty?"

16 Q. Were there any members of your crew there at that time?

17 A. There was a third engineer, Mr. Avilash, and after that  
18 Mr. Robin.

19 Q. And what were Mr. Avilash and Mr. Robin doing?

20 A. On the orders of the pirates they were opening the  
21 portholes, openings to the tanks.

22 Q. Did the pirates move you to different places around the  
23 engine room?

24 A. Yes. They were studying everything that could be looked  
25 at.



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1 Q. And at some point were you no longer with Mr. Avilash and  
2 Mr. Robin?

3 A. Yes, I was at the front part of the engine room, and they  
4 were taken to the back part of the engine room.

5 Q. Now, Chief, I want you to talk about the next time you  
6 see Mr. Avilash and Mr. Robin. When did you notice them  
7 again?

8 A. Yes. After ten minutes I observed Mr. Robin with lowered  
9 pants and underpants, and his genitals were tied up with the  
10 plastic tie.

11 Q. Did the defendant -- well, first, was Mr. Robin your  
12 trainee?

13 A. Yes.

14 Q. And you were responsible for him on the ship?

15 A. Yes, directly.

16 Q. When you saw Mr. Robin with his genitals tied with a  
17 plastic cable what did the defendant say to you?

18 A. I -- he didn't say anything. I was yelling at him, "What  
19 are you doing? Stop it immediately. He is only a child."  
20 Because Robin at that time was crying with tears a lot.

21 Q. And what did the defendant respond to you, if anything?

22 A. He practically did not react.

23 Q. How long did Mr. Robin have the plastic ties on his  
24 genitals?

25 A. I don't know how long he had it before I saw him, but it

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1 was 10 to 12 minutes in my presence.

2 Q. And who made the torture stop?

3 A. One of the pirates said, "That's enough," and I was told  
4 I can take these ties off his genitals.

5 Q. All right. But to make the record clear, that was not  
6 the defendant who said that?

7 A. No.

8 Q. Was there a problem getting the plastic ties off of  
9 Robin's genitals?

10 A. The fact of the matter is that you could not just untie  
11 these ties. They work only one way, so in order to cut them  
12 off you have to have a very sharp knife and do a precise  
13 cutting not to injure the person.

14 Q. Was your crew able to do that, Chief?

15 A. The third engineer, Mr. Avilash, got the knife, and we  
16 very gingerly took it off.

17 Q. And during that time did you ever see the defendant do  
18 anything to try to help Mr. Robin?

19 A. Absolutely not.

20 Q. Now, Chief, at this point --

21 THE COURT: Excuse me a minute. How old was Robin?

22 THE WITNESS: He was 23 or 24 years old.

23 BY MR. DEPADILLA:

24 Q. And was he the most junior man, the lowest man in your  
25 department?

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1 A. He was the youngest among the mechanical crew.

2 Q. Now, at this time, Chief, when this is going on with  
3 Robin, did you know if the captain was alive?

4 A. I doubt it, but I put odds that he is alive about 50/50.

5 Q. Okay. Tell the jury, did you do anything to try and find  
6 out if the captain was alive?

7 A. I gathered that if the captain is alive he would have to  
8 be held in one of the three cabins, vacant cabins. I said to  
9 the pirates that I have to inspect some machinery that was  
10 located on each deck of the ship. Each deck of the ship has  
11 some rooms that a person could be -- could be hidden. I was  
12 given permission to go, accompanied by two pirates, to visit  
13 every deck. And as we were walking I was speaking very  
14 loudly, either in English or in Russian, because the pirates  
15 would not understand anyway what I'm saying. I was just  
16 trying to give a signal to whoever would be hidden that he's  
17 being searched for.

18 Q. Did your plan work, Chief?

19 A. Eventually, yes, because later on the captain told I was  
20 killed as well. He heard my voice, and he just stopping  
21 worried.

22 MR. BROCCOLETTI: Stopping what?

23 MR. DEPADILLA: Stopping worried.

24 BY MR. DEPADILLA:

25 Q. Now, Chief, when all of this torture was going on in

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1 September was the man you guys called "the investor" on the  
2 ship at that time?

3 A. Yes.

4 Q. And did you see him interact with the defendant during  
5 that time period?

6 A. They were constantly interacting.

7 Q. And what did you see them do besides talking?

8 A. Every evening they continued their activities with khat  
9 and conversations and just having a good time. They were on  
10 the other side of the bridge right across from us, and we saw  
11 it all.

12 Q. Now, after this period of torture and September ended did  
13 you get a new negotiator on the ship?

14 A. Yes.

15 Q. And tell the jury, what was the name of the new  
16 negotiator?

17 A. That was Leon.

18 Q. And how did you find out that Leon was going to replace  
19 the defendant?

20 A. He introduced himself as a new broker and middleman and  
21 that his name is Leon.

22 Q. And after Leon took over for the defendant was there any  
23 more serious torture to you?

24 A. No.

25 Q. How -- from your observations, how did Leon and the

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1 defendant get along when Leon replaced him?

2 A. They had a very tense relationship.

3 Q. When Leon was the negotiator how often did you actually  
4 see him on the ship?

5 A. Leon was not very often on the ship. He stayed there for  
6 one or two days maximum, and then he would be absent for a  
7 week or ten days.

8 Q. And did you ever know where Leon was going when he was  
9 gone?

10 A. Yes. Leon was constantly on the bridge when he was on  
11 the ship, and he was communicating by the phone with other  
12 hijacked ships in the area, so he was overseeing other ships  
13 as well.

14 Q. Did you know any of the other ships that Leon was  
15 negotiating the ransom for at the same time as the  
16 Marguerite?

17 A. At our time he was overseeing an Arab tanker named  
18 Ali Nassir. But it's a very long name. I remember just Ali  
19 Nassir.

20 There was also a Greek car ship named Asian Glory,  
21 and some other Chinese ship. I don't know its name.

22 Q. And when you observed Leon on the bridge how would he  
23 interact with the other pirate guards?

24 A. Leon practically was a loner, and his interaction with  
25 other people was very minimal.

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1 Q. And compare that with what you observed the defendant do  
2 with other pirate guards when he was the negotiator.

3 A. It's a big difference between the interactions of Leon  
4 and Ali Jama with other pirates.

5 Q. So describe to us what you observed of Ali Jama's  
6 interactions with the other pirates when he was the  
7 negotiator.

8 A. They were gathering a big crowd, a big number of the  
9 pirates around him. They used khat. They were doing it on  
10 the bridge, on the bridge wings. They were doing it in the  
11 cabin of the chief mate as well.

12 Q. And when you say "him," Chief, does that mean the  
13 defendant, Ali Jama?

14 A. Yes.

15 Q. How long did Leon last as your negotiator on the Marida  
16 Marguerite?

17 A. He was negotiating for about a month and a half, maximum  
18 two months.

19 Q. And who came back to replace him?

20 A. Ali Jama came back.

21 Q. Do you know what ransom Ali Jama negotiated your ship  
22 for?

23 A. The initial sum was \$15 million. Then it was cut in  
24 half, and the final amount, based on the words of Ali Jama,  
25 was five and a half million.

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1 Q. And when you would observe Ali Jama was there any period  
2 of time that it was not on the Marida Marguerite?

3 A. Yes. Once he was absent from the ship for about two  
4 weeks, 10 to 12 days.

5 Q. And when he came back on board was he carrying anything?

6 A. Yes. He said that he brought information on the owner of  
7 the ship, the company that owns the ship, the number of ships  
8 that the company owns.

9 Q. And what did the information look like? Was it paper?  
10 Was it -- what was it?

11 A. He said that he drew this information from the Internet.

12 Q. Now, earlier you also told us that Mr. Pandey was working  
13 with the defendant. Did the defendant do anything to protect  
14 Mr. Pandey?

15 A. He openly announced that Pandey, Mr. Pandey, replaced the  
16 captain, and nobody can touch him; otherwise, there would be  
17 actions against those people.

18 Q. Now I want to go to the time period when the ransom was  
19 paid.

20 Can you describe what you saw when the ransom was  
21 first paid? How did the money arrive?

22 A. Yes. First, at the end of December, early in the  
23 morning, the whole crew was taken out on the deck. The crew  
24 members were lining up on the deck, and the crew started  
25 awaiting the appearance of the plane. There was a specific

—O. Dereglazov - Direct—

1 time set for the plane to appear. When the plane appeared it  
2 circled around the ship several times, and I saw that there  
3 were photographs or a video made of the crew members to make  
4 sure that everybody is alive.

5 Then there were -- then the container was dropped on  
6 a parachute, but there were two boats with the flares to  
7 indicate the place, the site, of the drop. When the first  
8 container was pulled out from the water it was taken into a  
9 cabin. I don't remember exactly -- I don't know exactly  
10 whether it was my cabin or the captain's cabin.

11 After they confirmed to the plane that the first  
12 container was pulled out, the second container was also  
13 parachuted down. That second container was also taken to a  
14 cabin -- I don't know which. But it had spare parts that I  
15 asked the company send to me, and the bag with the spare  
16 parts was brought to me on the bridge.

17 Q. What did you need the spare parts for, Chief?

18 A. It was eight months since there were no supplies from the  
19 shore of the spare parts, and the machinery condition was  
20 very bad, and I needed spare parts to ensure that after the  
21 ransom the ship would be able to move.

22 Q. Did your team use those parts to fix the ship, Chief?

23 A. Yes. We immediately took the spare parts to the engine  
24 room and put them down into the machinery.

25 Q. And was the Marida Marguerite able to move under its own



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1 power after the hijacking ended?

2 A. Yes.

3 Q. How many pirates were on board, approximately, at this  
4 time?

5 A. At that time it was more than a hundred people. Based on  
6 my count, it was about 130, 140 people, but they were  
7 changing. They were replacing each other all the time.

8 Q. And did you see the defendant with any money around this  
9 time when the ransom was paid?

10 A. At the end I saw him with money in a plastic black bag.  
11 He brought this bag to the bridge, and he was giving money  
12 to -- probably he owed some or something, so he was taking  
13 money and giving it to other people.

14 MR. DEPADILLA: Can we unpublish, Madam Clerk?

15 BY MR. DEPADILLA:

16 Q. Sir, I would like to show you what has previously been  
17 marked as Government's Exhibit 1-1 N, as in "Nancy."

18 Do you recognize that picture, sir?

19 A. Yes.

20 Q. And what is that a picture of?

21 A. These are wrapping ribbons from the money that was taken  
22 onto the ship.

23 MR. DEPADILLA: We would offer 1-1 N, Your Honor,  
24 and ask to publish it.

25 THE COURT: 1-1 N is received in evidence, and you

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1 may publish it.

2 (The exhibit was admitted into evidence.)

3 BY MR. DEPADILLA:

4 Q. Approximately how many bundles of hundred dollar bills  
5 did you see the defendant have when he came on the bridge?

6 A. It's hard for me to estimate the number of American  
7 money, but the pack itself was like this (indicating.)

8 Q. Okay, sir. Can you hold your hands up so I can see them  
9 when you're making it?

10 MR. DEPADILLA: Your Honor, I would ask the record  
11 to reflect he's making a width of approximately a foot.

12 THE COURT: The record will so reflect.

13 THE WITNESS: It was this long, this high and this  
14 deep.

15 MR. DEPADILLA: So, Your Honor, he's made three  
16 measurements which approximately are a one-foot cube, length,  
17 width and depth.

18 THE COURT: Let the record so reflect.

19 BY MR. DEPADILLA:

20 Q. Did the defendant have a final speech for your crew when  
21 he left your ship?

22 A. Yes. He gave a pathetic speech practically about  
23 nothing, yes. Basically he came to the -- he apologized we  
24 had to be taken through all this ideal, but he said, "We are  
25 pirates. We have families. We have children. We have

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1 wives. We have to live somehow, and this is a very simple  
2 business and it's going to go on. It will never stop."

3 Q. Chief, when you were on the bridge for eight months did  
4 you make a diary?

5 A. Yes, I made a diary. I made entries every day.

6 Q. And how were you able to do that?

7 A. Yes. I pretended I am making notations in the technical  
8 manuals, putting, you know, technical questions. I disguised  
9 half of my notes as the drawings and technical formulas.

10 Q. And when you were writing this diary was it at or around  
11 the time that you were being tortured?

12 THE INTERPRETER: I couldn't hear.

13 BY MR. DEPADILLA:

14 Q. When you were making this diary was it around the time  
15 that you were being tortured?

16 A. Yes, but -- I was making notes all the time, but during  
17 the searches some notes disappeared. Because I was making  
18 notes on random pieces of paper, and when they were finding  
19 any paper they were just tearing it apart.

20 Q. And when you were making entries were you angry at  
21 anybody?

22 A. Yes, I was angry.

23 Q. And who were you angry with?

24 A. At first I was angry even at my second engineer and  
25 generally to the whole Muslim world for the things they're

O. Dereglazov - Direct

1 doing to us.

2 Q. And was that because of what was happening to the people  
3 who you were responsible for, too?

4 A. In the first instance, yes. I was not worrying about me  
5 personally. I had -- I had responsibility over a number of  
6 people; older people, younger people, people who had  
7 families, a large number of children.

8 Q. Tell the jury, how did the defendant leave your ship?

9 A. He, Ali Jama, left the ship the last. There were four  
10 pirates that left the ship the last, and he was one of them.  
11 All of them were armed, heavily armed. Their weaponry was  
12 doubled or even tripled because the American frigate was  
13 nearby already.

14 Q. Did the defendant say anything to you personally as he  
15 left the ship?

16 A. No.

17 MR. DEPADILLA: I have no further questions, Your  
18 Honor.

19 Please answer the questions of Mr. Broccoletti, sir.

20 MR. BROCCOLETTI: Would the Court consider taking  
21 maybe a five-minute break just so we can get everything  
22 together so that we don't interrupt the cross?

23 THE COURT: All right. Everyone please rise while  
24 the jury retires. We'll take five minutes.

25 (The jury withdrew from the courtroom.)

—O. Dereglazov - Cross—

1 THE COURT: We'll take a five-minute break.

2 You're instructed not to discuss your testimony with  
3 anyone in the interim.

4 (There was a recess taken.)

5 THE COURT: Please remain standing.

6 (The jury entered the courtroom.)

7 THE COURT: Let the record reflect the entire jury  
8 has returned. You may be seated.

9 Ladies and gentlemen, if you see me closing my eyes,  
10 opening my eyes, I've had some treatments and that's why I'm  
11 doing it. So don't think something is wrong because I've got  
12 my eyes closed for a time. I'm not sleeping, it's because  
13 they hurt, okay?

14 Go ahead.

15 CROSS-EXAMINATION

16 BY MR. BROCCOLETTI:

17 Q. Sir, I represent Mr. Shibin. You understand that?

18 A. I do.

19 Q. And it is my duty and obligation to ask you things about  
20 the things which you have spoken about. Do you understand  
21 that?

22 A. I do.

23 Q. I don't want you to think that because I'm asking you  
24 questions that I have approved or condoned of the things that  
25 you have spoken about and the harm that's been brought to

—O. Dereglazov - Cross—

1 you. Do you understand that?

2 A. I do.

3 Q. So I don't want you to take my questions --

4 THE COURT: That's enough, Mr. --

5 MR. BROCCOLETTI: Yes, sir.

6 THE COURT: You've made your point. Move along.

7 MR. BROCCOLETTI: Yes, sir.

8 BY MR. BROCCOLETTI:

9 Q. I want to begin with the last thing that Mr. DePadilla  
10 was asking you about, which is the anger that you felt. And  
11 you had expressed that you had felt anger towards almost  
12 everyone that was involved during that time frame. Is that  
13 correct?

14 A. What do you mean "everyone"?

15 Q. The captain, the crew, those that were on the ship with  
16 you.

17 A. Initially, yes.

18 Q. And, in fact, you expressed that in written terms in your  
19 diary. Isn't that true?

20 A. Yes.

21 Q. And would you agree with me that the anger and bitterness  
22 that you felt has colored, affected or tainted your  
23 recollection of the events?

24 A. They were exclusively my own thoughts that were  
25 accompanied by the analysis of what was happening.

—O. Dereglazov - Cross—

1 Q. For example, you know the defendant is a Muslim.

2 A. Yes.

3 Q. And you have written in your diary that once you are  
4 released you will make sure that you persecute Muslims  
5 wherever they are. You will have no sympathy for them, no  
6 mercy.

7 A. It was not directed to the general Muslim population, it  
8 was directed only to those Muslims that were torturing me and  
9 my friends.

10 Q. You said that, "They only deserve to be persecuted and  
11 rotting. A good Muslim is a dead Muslim."

12 Did you say that?

13 A. Like I said before I repeat; that it was directed  
14 specifically to those people who were simulating cutting my  
15 throat and putting me overboard.

16 Q. And understanding that you have written that and that the  
17 defendant is a Muslim, has that affected your recollection of  
18 the events?

19 A. Not at all, absolutely not.

20 Q. You also wrote about Adolf Hitler's theory of racial  
21 inferiority and how it applies to Somalians, didn't you?

22 A. The theory of Hitler does not have a direct relation to  
23 the Somalis.

24 Q. Didn't you write that the theory should not be applied to  
25 Slavs and Jews but is completely applicable to all Muslims --

—O. Dereglazov - Cross—

1     excuse me, Somalis; that, "They have to be physically  
2     destroyed as an inferior race or confined to a kind of leper  
3     state without an option to leave"? Did you write that?

4     A. Like I said, the Hitler theory does not relate to the  
5     Muslims.

6     Q. You know the defendant is a Somalian.

7     A. Yes.

8     Q. Does your perception of him as an inferior race affect  
9     your ability or your recollection of events?

10           THE COURT: He's already asked and answered that  
11     question. Move along.

12           MR. BROCCOLETTI: No, sir, that was a different  
13     question.

14           THE COURT: He did one time.

15           MR. BROCCOLETTI: That was a different question,  
16     Your Honor.

17           THE COURT: No, it's not a different question.

18     BY MR. BROCCOLETTI:

19     Q. Now, there were other pirates on board, weren't there?

20     A. Yes.

21     Q. Did any other pirate speak English?

22     A. There were some pirates that were speaking, but not as  
23     well as Ali Jama or Leon.

24     Q. Because you've described a number of events that  
25     occurred, such as when your hands were tied, the bag was put



—O. Dereglazov - Cross—

1 over your head, the knife was to your throat. The defendant  
2 was not there for that, correct?

3 A. He was not present, but he knew exactly what was going  
4 on, and he was waiting for my return on the bridge.

5 Q. And there were other pirates that were speaking to you in  
6 English at that time?

7 A. Yes.

8 Q. But he was the one that was most proficient, most able to  
9 speak English.

10 A. Yes. I even have given him a nickname, "the teacher."

11 Q. And, so, when you had questions or concerns or issues it  
12 would be natural for you to go speak to him, the defendant,  
13 since he was the one that was most able to speak English to  
14 you.

15 A. Yes.

16 Q. And when he came on board he told you that he was there  
17 to coordinate the conversations, to translate, and to work  
18 between the crew and the Somalians?

19 A. Yes, absolutely correct, and also keep the Somalis and  
20 the company in contact.

21 Q. Now, when you first were captured, as I understand it,  
22 all of you were kept on the bridge.

23 A. Yes, correct.

24 Q. How many were there, 19?

25 A. 20. 20 people, two persons in the engine room.

—O. Dereglazov - Cross—

1 Q. So 20 people were on board -- excuse me -- on the bridge?

2 A. 20 people on the bridge.

3 Q. A rather confined area, correct?

4 A. Correct.

5 Q. And when the defendant came on board you were then  
6 separated, correct?

7 THE COURT: At that time -- excuse me. Were there  
8 two people in the engine room all the time?

9 THE WITNESS: There were -- they were alternating  
10 every 12 hours.

11 BY MR. BROCCOLETTI:

12 Q. And when the defendant came on board you were separated?

13 A. Yes.

14 Q. The four of you, the main senior officers, were kept on  
15 the bridge.

16 A. Yes.

17 Q. And the rest of the crew were placed in cabins.

18 A. Yes.

19 Q. In their own cabins?

20 A. There were only three cabins occupied with four people in  
21 each of them.

22 Q. The defendant occupied which cabin?

23 A. The chief mate's cabin.

24 Q. And there were obviously other pirates on board. Was  
25 there a commander?

—O. Dereglazov - Cross—

1 A. The pirates called the commanders those people who were  
2 initially assaulting the ship, but not all six of them were  
3 constantly present on board.

4 There were constantly present one national, too, out  
5 of the company of people.

6 Q. And which cabin did those people, the commanders, occupy?

7 A. The chief engineer's cabin and the captain's cabin.

8 Q. So your cabin and the captain's cabin?

9 A. Correct, absolutely.

10 Q. Were there other officer cabins available?

11 A. All the cabins were unlocked, and they housed just  
12 regular Somali pirates.

13 Q. Now, when the defendant came on board did he arrange to  
14 have you use phones to call your family?

15 A. He let me call on May 15 because it was my birthday, and  
16 he said, "This is your present."

17 Q. Did he allow the crew to use his phone while the pirates  
18 were not watching?

19 A. I know for sure that the second mate Mr. Pandey was using  
20 the phone, because it was a very simple thing to do because  
21 they were doing it in the cabin.

22 Q. In fact, you've written in your diary that, "Ali allows  
23 crew members to use his mobile phone when the pirates are not  
24 watching." Isn't that true?

25 A. He gave some members of the crew some privileges when the

—O. Dereglazov - Cross—

1 other pirates would not be watching, but those privileges  
2 lasted a very short time.

3 Q. Do you know if he was reprimanded or if he got in trouble  
4 for doing that?

5 A. I think he had problems not because of this, he had  
6 problems for some other reasons.

7 Q. Did he allow you to use...

8 (There was a pause in the proceedings.)

9 BY MR. BROCCOLETTI:

10 Q. Did he allow you to use the Internet?

11 A. No.

12 Q. Did he translate for you by using the Internet?

13 A. When he showed up on board all Internet connections on  
14 the ship were disconnected.

15 Q. If you needed a question answered, if you needed an issue  
16 to be resolved, would you go to the defendant?

17 A. Yes.

18 Q. And would he then go somewhere else, speak to someone  
19 else, and come back to you with an answer?

20 A. At first he was giving me the answer directly, but other  
21 times he said he had to speak to someone else on his crew.

22 Q. Did he tell you he was translating the orders that the  
23 commander had given to him?

24 A. The phrase that he was expressing was that the orders  
25 according -- quote-unquote, "according to the orders of the

—O. Dereglazov - Cross—

1 commanders." But how true was it, I don't know.

2 Q. I understand. There always were commanders on board,  
3 though.

4 A. The commanders, based on their systems, were appointed  
5 literally every day, and it was hard to determine who exactly  
6 is the commander. The only identifiable commanders were  
7 those six who boarded the ship initially.

8 Q. Now, you had other Muslim members of your crew, correct?

9 A. Yes.

10 Q. And would the defendant engage in prayers with them?

11 A. No, I had not seen it. During Ramadan only two members  
12 of my crew were praying.

13 Q. Did he give speeches to the crew?

14 A. What do you mean "speeches"?

15 Q. Did he speak to the crew about Somalia and Somalian  
16 unity?

17 A. No, he was not speaking about this.

18 Q. Did he allow the crew to stay in the captain's cabin?

19 A. Even the captain was strictly forbidden to enter the  
20 captain's cabin.

21 Q. Didn't you write in your diary that in the evening Ali  
22 said that he arranged for the crew to spend time in the  
23 captain's cabin?

24 A. It was impossible; it was constantly locked.

25 Q. I'm sorry?

—O. Dereglazov - Cross—

1 THE INTERPRETER: It was constantly locked.

2 BY MR. BROCCOLETTI:

3 Q. So what you wrote was not true?

4 THE COURT: Would you show him what's written in the  
5 diary, please?

6 MR. BROCCOLETTI: It's in Russian.

7 THE COURT: I don't care if it's in Sanskrit. If he  
8 wrote it, let's let him see it.

9 MR. BROCCOLETTI: That's all right, Judge, we'll  
10 move on. We'll be here forever trying to look for it.  
11 That's all right.

12 THE COURT: If you're going to question him about  
13 the diary he ought to have an opportunity to look at his  
14 diary. I want to make sure of that, okay?

15 MR. BROCCOLETTI: Yes, sir.

16 THE COURT: Just so you understand that.

17 MR. BROCCOLETTI: Yes, sir, I understand.

18 BY MR. BROCCOLETTI:

19 Q. Now, you had talked of a number of instances where the  
20 defendant had given you orders, correct?

21 A. Yes.

22 Q. Now, prior to the time that he gave you that order you  
23 don't know of your own knowledge whether he had been  
24 instructed by the commanders to give you that order, do you?

25 A. Yes, it was undetermined whether it's coming from him or

—O. Dereglazov - Cross—

1 from the commanders.

2 Q. Such as the times that the phone would be allowed to ring  
3 and it was not answered. Do you remember testifying about  
4 that yesterday?

5 A. Yes.

6 Q. You don't know if he was told to let that phone ring and  
7 not answer it?

8 THE COURT: What he doesn't know is not evidence.  
9 Let's move along to what he did know.

10 MR. BROCCOLETTI: Yes, sir.

11 BY MR. BROCCOLETTI:

12 Q. You had talked about the chief engineer being -- excuse  
13 me -- that you had been dismissed as chief engineer, correct?

14 A. Yes.

15 Q. And you said that that was as a result of an order that  
16 the defendant had given to you.

17 A. Yes, my demotion was related to me in a very aggressive  
18 manner.

19 Q. And wasn't, in fact, the investor present directing the  
20 defendant to tell you that?

21 A. I don't think so, no.

22 Q. After the ship was freed you spoke to the German  
23 authorities on board the ship, correct?

24 A. Yes.

25 Q. And, in fact, your video -- it was a video interview with

—O. Dereglazov - Cross—

1 you in English.

2 A. Yes.

3 MR. BROCCOLETTI: This is on page 31 at the top.

4 BY MR. BROCCOLETTI:

5 Q. Didn't you say in that video interview, "Pandey goes in  
6 the office with the investor when it's finished punishment.  
7 Officially the investor talking to Ali some language. Ali  
8 starts translating for everybody. 'Now chief engineer  
9 dismissed. No any moving. This is responsibility for second  
10 engineer.'"

11 Do you remember saying that on that video interview?

12 A. I was demoted two or three times.

13 Q. Was the investor present when the defendant gave you that  
14 instruction?

15 A. Possibly. I do not remember exactly now, but what I do  
16 remember is that I was demoted two or three times.

17 Q. You don't speak Somali?

18 A. No.

19 Q. So you didn't understand what they were saying when they  
20 spoke their native language.

21 A. No.

22 Q. You had said that at some point the defendant was armed.

23 A. Yes.

24 Q. And you described the weapon that he had and where he was  
25 located.



—O. Dereglazov - Cross—

1 A. Yes, when he was sleeping on the deck under the anchor  
2 winch.

3 Q. Likewise, when you were interviewed by the German  
4 authorities in that video interview you were asked were the  
5 negotiators armed, and you said, "No." And they asked you,  
6 "None of them?" and you said, "No."

7 Do you recall making that statement?

8 A. It was -- I was describing when -- that he was not  
9 constantly having a weapon with him. He had a weapon when he  
10 was demoted from his position as negotiator, and he also had  
11 a weapon when he was leaving the ship, final departure.

12 Q. Would you agree with me that during your entire video  
13 interview that you never said the defendant was armed with a  
14 weapon?

15 A. As far as I remember, during that interview the question  
16 was did he have the weapon constantly and permanently.

17 THE COURT: Do you desire to introduce the  
18 interview?

19 MR. BROCCOLETTI: No, Your Honor.

20 THE COURT: Do you desire to introduce the diary?

21 MR. BROCCOLETTI: No, sir. I'm just asking him  
22 specific questions about them.

23 BY MR. BROCCOLETTI:

24 Q. Was the investor the individual that ordered the  
25 punishment?

—O. Dereglazov - Cross—

1 A. The investor was present when everything was happening.

2 Q. Did the investor order it?

3 A. The investor did not speak English whatsoever.

4 Q. Did the investor communicate in Somalian to someone who  
5 then translated?

6 A. All conversations were held in Arabic, but nobody was  
7 saying specifically directly to us that, "You are scheduled  
8 for punishment." It's just in the evening the pirates came,  
9 tied us up, up off the floor, and that was going on for  
10 several days.

11 Q. And each time that happened was the investor present?

12 THE COURT: You mean present on the ship?

13 MR. BROCCOLETTI: Yes, sir, present at the ship.

14 THE COURT: Or at the torture?

15 MR. BROCCOLETTI: Present on the ship, Your Honor.

16 THE WITNESS: Yes, when black September started he  
17 was present on the ship.

18 BY MR. BROCCOLETTI:

19 Q. You had also testified yesterday at the time that you had  
20 gone to Hobyo. Do you recall that? The ship was moved.

21 A. Yes.

22 Q. Was Looyan the translator during that time?

23 A. At which time? Because we went there two times.

24 Q. The first time.

25 A. No.

—O. Dereglazov - Cross—

1 Q. The second time?

2 A. The second time when we were supposed to be transferred  
3 he was not there.

4 Q. Did you speak to the captain after you were released  
5 about the offer of money to make your ship a mother ship?

6 A. I don't remember exactly, but I remember specifically  
7 that I was talking to the third engineer, Mr. Sandeep, and  
8 the third engineer, Chirag Bahri.

9 Q. Now, at some point in response to Counsel's questions  
10 today you told us of how the defendant was removed and Looyan  
11 stepped in, and that --

12 A. Yes.

13 Q. Did the pirates surround the defendant, take his mobile  
14 phone away from him, and not allow him to go anywhere  
15 unescorted?

16 A. Yes, for two days he lived on the bridge without the  
17 mobile phone, and he was escorted to the restroom.

18 Q. Now, other -- the members of your crew and the defendant  
19 got along with each other.

20 A. Some members of the crew were getting along medium, kind  
21 of.

22 Q. Some members of the crew liked him?

23 A. Possibly.

24 Q. You talked today about what had happened to Mr. Robin in  
25 the engine room. Do you recall that?

—O. Dereglazov - Cross—

1 A. Yes.

2 Q. And the investor was present personally for that?

3 A. Yes.

4 Q. The defendant was present?

5 A. Yes.

6 Q. And Counsel asked you whether or not the defendant had  
7 voiced any objection or tried to stop it in any way. Do you  
8 remember that?

9 A. There were no actions on his part, because I was asking  
10 him to stop all these actions.

11 Q. And what other pirates were present besides the investor  
12 in the presence of the defendant when he didn't say or do  
13 anything?

14 THE INTERPRETER: Would you please repeat that?

15 BY MR. BROCCOLETTI:

16 Q. What other pirates or how many other pirates were present  
17 at that time with the investor when the defendant had not  
18 stepped forward?

19 A. About four to five people.

20 Q. And some other pirate said, "Take the plastic tie off,"  
21 correct?

22 A. Yes, there was some older man, the pirate, who was more  
23 or less loyal to the members of the crew.

24 Q. And he directed them to take it off. Was he in charge?

25 A. He explained in very bad English, practically showed with

O. Dereglazov - Redirect

1 his hands, that it's allowed to be taken off.

2 Q. And the rest of the crew obeyed him?

3 A. We have to do some action, because he was in a very bad  
4 shape and it had to be taken off.

5 Q. I understand. The question was the rest of the crew  
6 obeyed that man.

7 A. Yes.

8 MR. BROCCOLETTI: That's all the questions I have.

9 THE COURT: Any redirect?

10 MR. DEPADILLA: Yes, Your Honor.

11 THE COURT: How long are you going to take,  
12 Mr. DePadilla?

13 MR. DEPADILLA: Very short; a couple of questions.

14 THE COURT: All right. Go ahead.

15 MR. DEPADILLA: Thank you, Your Honor.

16 REDIRECT EXAMINATION

17 BY MR. DEPADILLA:

18 Q. Sir, what Mr. Broccoletti was asking you about the man  
19 who said to take the tie off of Robin's genitals -- were  
20 there some pirates who were nicer to the crew than other  
21 pirates?

22 A. Yes, of course.

23 Q. And was that pirate one of the nicer pirates, as far as  
24 pirates go?

25 A. Not that he was being, you know, exactly loyal to the

O. Dereglazov - Redirect

1 members of the crew, but he was not that aggressive, and  
2 sometimes he was just disregarding or, so to speak, closing  
3 his eyes to some things. Because at some times we were not  
4 allowed to speak with each other, we were not allowed to eat,  
5 we were not allowed to move, but when he was in the presence  
6 sometimes we could whisper something to each other.

7 Q. Okay. And Mr. Broccoletti asked you about when the  
8 defendant was held on the bridge for two days. Where is the  
9 next place you saw the defendant after he was demoted?

10 A. He left the bridge, but since I didn't have freedom of  
11 movement and watch him he basically was free to move around  
12 the ship elsewhere. Where he stayed and where he slept I  
13 don't know.

14 Q. And where is the next place you actually saw him?

15 A. On the front of the ship, under the anchor winch.

16 Q. And was he armed at that time?

17 A. Yes. He was sleeping, and I understood that after the  
18 night on guard of the ship he had the weapon with him.

19 Q. Now, when the German detectives interviewed you they  
20 interviewed you in English.

21 A. Yes.

22 Q. And you didn't have the benefit of a Russian interpreter  
23 at that time?

24 A. No.

25 Q. And was the question you were asked, "Were the

O. Dereglazov - Redirect

1 negotiators armed?"

2 A. If I haven't seen the weapon in Leon's hands then I would  
3 say there was no weapon. If they had asked me the question  
4 was he constantly with a weapon, I probably would have paid  
5 attention to it.

6 Q. And if you were asked were the negotiators armed and  
7 said, "No," when you saw the defendant with the weapon was he  
8 the negotiator at that time?

9 A. Exactly correct. At that moment he was just a regular  
10 pirate, and he was armed. In the final moment when he was  
11 departing he was armed as a translator.

12 Q. And Mr. Broccoletti also asked you that when the pirates  
13 held the knife to your throat and put the bag over your head  
14 the defendant was not present. Give the jury an idea. How  
15 long was it until you saw the defendant again?

16 A. He was absent for the duration of this process of  
17 so-called execution, but he was waiting for me on the bridge  
18 to make a phone call to a relative.

19 Q. And how far did you have to travel to get to him?

20 A. Practically to just walk the whole length of the ship.  
21 Do you want it in meters?

22 Q. Yes, that would be great.

23 A. It's like walking the stairs from the first floor to the  
24 fifth floor; maybe 150, 200 meters.

25 Q. Chief, have you gone to sea on merchant ships after the

—O. Dereglazov - Recross—

1 Marida Marguerite, when you were released?

2 MR. BROCCOLETTI: Judge, I'm objecting. I think  
3 it's beyond the scope of cross-examination and would not be  
4 relevant to any of the issues before the Court.

5 THE COURT: The objection is appropriate. Where are  
6 we going?

7 MR. DEPADILLA: I was going to ask him if he's  
8 served with Muslims since that time, since Mr. Broccoletti  
9 made an issue about that.

10 THE COURT: All right. I will allow you to do that.

11 BY MR. DEPADILLA:

12 Q. Have you crewed with Muslims since that time?

13 A. Yes.

14 Q. And have Muslims worked with you on these ships?

15 A. Yes. After this incident I already worked on two  
16 different ships.

17 MR. DEPADILLA: No further questions, Your Honor.

18 THE COURT: Go ahead.

19 RECROSS-EXAMINATION

20 BY MR. BROCCOLETTI:

21 Q. When the defendant left the ship double and triple armed  
22 he was still the negotiator, correct?

23 A. Yes, possibly.

24 Q. And yet you never told -- and yet you did tell the German  
25 authorities that no negotiators were armed, correct?



1           THE COURT: We've already covered that very well.  
2 Let's move along.

3           MR. BROCCOLETTI: Nothing further.

4           THE COURT: Anything else?

5           MR. DEPADILLA: No, Your Honor.

6           May this witness be excused?

7           THE COURT: This witness may be excused.

8           MR. DEPADILLA: Thank you, Your Honor.

9

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11

12

13                               CERTIFICATION

14

15           I certify that the foregoing is a correct transcript  
16 of an excerpt from the record of proceedings in the  
17 above-entitled matter.

18

19

20

21                               s/s

22                               Heidi L. Jeffreys

23

24                               July 17, 2012

25                               Date

Heidi L. Jeffreys, Official Court Reporter